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2019-2020 SESSION

Sittings of 12 to 14 March 2019

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P8_TC1-COD(2019)0019

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European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic road freight connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2018)0895 — C8-0511/2018 — 2018/0436(COD))

P8_TC1-COD(2018)0436

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on common rules ensuring basic road freight and road passenger connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union 497

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P8_TA(2019)0182

Common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom from the Union ***I

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2018)0893 — C8-0510/2018 — 2018/0433(COD))

P8_TC1-COD(2018)0433

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union 498

2021/C 23/70	<p>P8_TA(2019)0183</p> <p>Rules relating to the European Maritime and Fisheries Fund following the UK's withdrawal from the Union ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 508/2014 as regards certain rules relating to the European Maritime and Fisheries Fund by reason of the withdrawal of the United Kingdom from the Union (COM(2019)0048 — C8-0037/2019 — 2019/0009(COD))</p> <p>P8_TC1-COD(2019)0009</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 508/2014 as regards certain rules relating to the European Maritime and Fisheries Fund following the withdrawal of the United Kingdom from the Union</p>	499
2021/C 23/71	<p>P8_TA(2019)0184</p> <p>Fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters (COM(2019)0049 — C8-0036/2019 — 2019/0010(COD))</p> <p>P8_TC1-COD(2019)0010</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters</p>	500
2021/C 23/72	<p>P8_TA(2019)0185</p> <p>Certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2019)0088 — C8-0046/2019 — 2019/0040(COD))</p> <p>P8_TC1-COD(2019)0040</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union</p>	501
2021/C 23/73	<p>Amendments adopted by the European Parliament on 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (COM(2018)0630 — C8-0404/2018 — 2018/0328(COD))</p>	502

2021/C 23/74	<p>P8_TA(2019)0190</p> <p>Amending Regulation (EC) No 391/2009 with regard to the UK's withdrawal from the Union ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union (COM(2018)0567 — C8-0384/2018 — 2018/0298(COD))</p> <p>P8_TC1-COD(2018)0298</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union</p>	570
2021/C 23/75	<p>P8_TA(2019)0191</p> <p>Amending Regulation (EU) No 1316/2013 with regard to the UK's withdrawal from the Union ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union (COM(2018)0568 — C8-0385/2018 — 2018/0299(COD))</p> <p>P8_TC1-COD(2018)0299</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union</p>	571
2021/C 23/76	<p>P8_TA(2019)0192</p> <p>Port reception facilities for the delivery of waste from ships ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018)0033 — C8-0014/2018 — 2018/0012(COD))</p> <p>P8_TC1-COD(2018)0012</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC</p>	572
2021/C 23/77	<p>P8_TA(2019)0193</p> <p>Prolongation of the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (COM(2018)0085 — C8-0097/2018 — 2018/0040(COD))</p> <p>P8_TC1-COD(2018)0040</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code</p>	573

2021/C 23/78	<p>P8_TA(2019)0194</p> <p>Combating fraud and counterfeiting of non-cash means of payment ***I</p> <p>European Parliament legislative resolution of 13 March 2019 on the proposal for a directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (COM(2017)0489 — C8-0311/2017 — 2017/0226(COD))</p> <p>P8_TC1-COD(2017)0226</p> <p>Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA</p>	575
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2021/C 23/79	<p>European Parliament legislative resolution of 14 March 2019 on the draft Council regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (15401/2018 — C8-0023/2019 — 2016/0190(CNS))</p>	576
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2021/C 23/80	<p>P8_TA(2019)0208</p> <p>Minimum loss coverage for non-performing exposures ***I</p> <p>European Parliament legislative resolution of 14 March 2019 on the proposal for a regulation of the European Parliament and of the Council on amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (COM(2018)0134 — C8-0117/2018 — 2018/0060(COD))</p> <p>P8_TC1-COD(2018)0060</p> <p>Position of the European Parliament adopted at first reading on 14 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures . . .</p>	577
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2021/C 23/81	<p>P8_TA(2019)0209</p> <p>Safeguarding competition in air transport ***I</p> <p>European Parliament legislative resolution of 14 March 2019 on the proposal for a regulation of the European Parliament and of the Council on safeguarding competition in air transport, repealing Regulation (EC) No 868/2004 (COM(2017)0289 — C8-0183/2017 — 2017/0116(COD))</p> <p>P8_TC1-COD(2017)0116</p> <p>Position of the European Parliament adopted at first reading on 14 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004</p>	578
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2021/C 23/82	<p>European Parliament resolution of 14 March 2019 on general guidelines for the preparation of the 2020 budget, Section III — Commission (2019/2001(BUD))</p>	579
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2021/C 23/83	<p>European Parliament decision of 14 March 2019 on the proposal of the Commission for the appointment of a member of the Single Resolution Board (N8-0021/2019 — C8-0042/2019 — 2019/0901(NLE))</p>	585
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2021/C 23/84	European Parliament decision of 14 March 2019 on the Council recommendation on the appointment of a Member of the Executive Board of the European Central Bank (05940/2019 — C8-0050/2019 — 2019/0801(NLE))	587
2021/C 23/85	European Parliament decision of 14 March 2019 on the appointment of the Chairperson of the European Banking Authority (N8-0028/2019 — C8-0052/2019 — 2019/0902(NLE))	588
2021/C 23/86	European Parliament resolution of 14 March 2019 on the proposal for a Council Regulation on the establishment of the European Monetary Fund (COM(2017)0827 — 2017/0333R(APP))	590

Key to symbols used

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

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

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

Sitting of 11 March 2019

The Minutes of this session have been published in OJ C 420, 4.12.2020.

2019-2020 SESSION

Sittings of 12 to 14 March 2019

The Minutes of this session have been published in OJ C 420, 4.12.2020.

TEXTS ADOPTED

Tuesday 12 March 2019

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2019)0156

Security threats connected with the rising Chinese technological presence in the EU and possible action on the EU level to reduce them

European Parliament resolution of 12 March 2019 on security threats connected with the rising Chinese technological presence in the EU and possible action on the EU level to reduce them (2019/2575(RSP))

(2021/C 23/01)

The European Parliament,

- having regard to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code ⁽¹⁾,
- having regard to Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union ⁽²⁾,
- having regard to Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA ⁽³⁾,
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council, of 13 September 2017, on ENISA, the 'EU Cybersecurity Agency', and repealing Regulation (EU) No 526/2013, and on Information and Communication Technology cybersecurity certification ('Cybersecurity Act') (COM(2017)0477),
- having regard to the Commission proposal of 12 September 2018 for a regulation establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (COM(2018)0630),
- having regard to the adoption of the new National Intelligence Law by the Chinese National People's Congress on 28 June 2017,
- having regard to the statements by the Council and the Commission of 13 February 2019 on security threats connected with the rising Chinese technological presence in the EU and possible action on the EU level to reduce them,

⁽¹⁾ OJ L 321, 17.12.2018, p. 36.

⁽²⁾ OJ L 194, 19.7.2016, p. 1.

⁽³⁾ OJ L 218, 14.8.2013, p. 8.

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- having regard to the adoption by the Australian Government of the Government's Telecommunications Sector Security Reforms, which entered into force on 18 September 2018,
 - having regard to its position adopted at first reading on 14 February 2019 on the proposal for a regulation of the European Parliament and of the Council establishing a framework for the screening of foreign direct investments into the European Union ⁽¹⁾,
 - having regard to its previous resolutions on the state of EU-China relations, in particular that of 12 September 2018 ⁽²⁾,
 - having regard to the Commission communication of 14 September 2016 entitled '5G for Europe: an action plan' (COM(2016)0588),
 - having regard to its resolution of 1 June 2017 on internet connectivity for growth, competitiveness and cohesion: European gigabit society and 5G ⁽³⁾,
 - 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) ⁽⁴⁾,
 - having regard to Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 ⁽⁵⁾,
 - having regard to the Commission proposal of 6 June 2018 for a regulation of the European Parliament and of the Council establishing the Digital Europe programme for the period 2021-2027 (COM(2018)0434),
 - having regard to Rules 123(2) and (4) of its Rules of Procedure,
- A. whereas the EU must drive forward its cybersecurity agenda in order to fulfil its potential in becoming a leading player in cybersecurity and use this to its industry's advantage;
- B. whereas vulnerabilities in 5G networks could be exploited in order to compromise IT systems, potentially causing very serious damage to economies at European and national levels; whereas a risk analysis-based approach across the value chain is necessary in order to minimise the risks;
- C. whereas the 5G network will be the backbone of our digital infrastructure, extending the possibility to connect various devices to networks (internet of things, etc.), and will bring new benefits and opportunities to society and businesses in many areas, including critical sectors of the economy such as the transport, energy, health, finance, telecoms, defence, space and security sectors;
- D. whereas establishing an appropriate mechanism to respond to security challenges would give the EU the opportunity to actively take steps in setting standards for 5G;
- E. whereas concerns were raised about third-country equipment vendors that might present a security risk for the EU due to the laws of their country of origin, especially after the enactment of the Chinese State Security Laws, which impose obligations on all citizens, enterprises and other entities to cooperate with the state to safeguard state security, in connection with a very broad definition of national security; whereas there is no guarantee that these obligations are not applied extraterritorially, and whereas reactions to the Chinese laws have varied in different countries, ranging from security assessments to outright bans;

⁽¹⁾ Texts adopted, P8_TA(2019)0121.

⁽²⁾ Texts adopted, P8_TA(2018)0343.

⁽³⁾ OJ C 307, 30.8.2018, p. 144.

⁽⁴⁾ OJ L 119, 4.5.2016, p. 1.

⁽⁵⁾ OJ L 348, 20.12.2013, p. 129.

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- F. whereas in December 2018, the Czech national authority for cybersecurity issued a warning against security threats posed by the technologies provided by the Chinese companies Huawei and ZTE; whereas subsequently, in January 2019, the Czech tax authorities excluded Huawei from a tender to build a tax portal;
- G. whereas a thorough investigation is needed to clarify whether the devices involved, or any other devices or suppliers, pose security risks due to features such as backdoors to systems;
- H. whereas solutions should be coordinated and dealt with at EU level in order to avoid creating different levels of security and potential gaps in cybersecurity, while coordination at a global level is needed in order to provide a strong response;
- I. whereas the benefits of the single market come with the obligation to comply with EU standards and the Union's legal framework, and whereas suppliers should not be treated differently on the basis of their country of origin;
- J. whereas the regulation on screening of foreign direct investment, which should enter into force by the end of 2020, reinforces Member States' ability to screen foreign investment based on security and public order criteria, and establishes a cooperation mechanism which allows the Commission and the Member States to cooperate in their assessment of security risks, including cybersecurity risks, posed by sensitive foreign investments, and also covers projects and programmes that are of EU interest, such as the Trans-European Telecommunications Networks and Horizon 2020;
1. Believes that the Union must take the lead on cybersecurity, by means of a common approach based on the effective and efficient use of EU, Member State and industry expertise, since a patchwork of divergent national decisions would be detrimental to the digital single market;
 2. Expresses deep concern about the recent allegations that 5G equipment developed by Chinese companies may have embedded backdoors that would allow manufacturers and authorities to have unauthorised access to private and personal data and telecommunications from the EU;
 3. Is equally concerned about the potential presence of major vulnerabilities in the 5G equipment developed by these manufacturers if they were to be installed when rolling out 5G networks in the coming years;
 4. Underlines that the implications for the security of networks and equipment are similar around the world and calls for the EU to draw lessons from the experience available, in order to be able to ensure the highest standards of cybersecurity; calls on the Commission to develop a strategy that puts Europe in a leading position in cybersecurity technology and is aimed at reducing Europe's dependency on foreign technology in the field of cybersecurity; is of the view that whenever compliance with security requirements cannot be guaranteed adequate measures must be applied;
 5. Calls on the Member States to inform the Commission of any national measure they intend to adopt in order to coordinate the Union's response so as to ensure the highest standards of cybersecurity throughout the Union, and reiterates the importance of refraining from introducing disproportionate unilateral measures that would fragment the single market;
 6. Reiterates that any entities providing equipment or services in the EU, irrespective of their country of origin, must comply with fundamental rights obligations and with EU and Member State law, including the legal framework as regards privacy, data protection and cybersecurity;
 7. Calls on the Commission to assess the robustness of the Union's legal framework in order to address concerns about the presence of vulnerable equipment in strategic sectors and backbone infrastructure; urges the Commission to present initiatives, including legislative proposals where appropriate, to address in due time any shortfalls detected, since the Union is in a constant process of identifying and addressing cybersecurity challenges and enhancing cybersecurity resilience in the EU;

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8. Urges those Member States that have not yet fully transposed the NIS Directive to do so without delay, and calls on the Commission to monitor this transposition closely so as to ensure that its provisions are properly applied and enforced and that European citizens are better protected from external and internal security threats;
9. Urges the Commission and Member States to make sure that the reporting mechanisms introduced by the NIS Directive are properly applied; notes that the Commission and the Member States should follow up thoroughly on any security incidents or inappropriate reactions of suppliers, so as to address detected gaps;
10. Calls on the Commission to assess the need to further enlarge the scope of the NIS Directive to other critical sectors and services that are not covered by sector-specific legislation;
11. Welcomes and supports the agreement reached on the Cybersecurity Act and the reinforcement of the mandate of the EU Agency for Network and Information Security (ENISA), in order to better support Member States in tackling cybersecurity threats and attacks;
12. Urges the Commission to mandate ENISA to make it a priority to work on a certification scheme for 5G equipment in order to ensure that the rollout of 5G in the Union meets the highest security standards and is resilient to backdoors or major vulnerabilities that would endanger the security of the Union's telecommunication networks and dependent services; recommends that special attention be given to commonly used processes, products and software that by their sheer scale have a significant impact on the day-to-day life of citizens and the economy;
13. Warmly welcomes the proposals on cybersecurity competence centres and a network of national coordination centres, which are designed to help the EU retain and develop the technological and industrial capacities in cybersecurity that are needed to secure its digital single market; recalls, however, that certification should not exclude competent authorities and operators from scrutinising the supply chain in order to ensure the integrity and security of their equipment that operates in critical environments and telecom networks;
14. Recalls that cybersecurity demands high security standards; calls for a network that is secure by default and by design; urges the Member States, together with the Commission, to explore all available means to ensure a high level of security;
15. Calls on the Commission and the Member States, in cooperation with ENISA, to provide guidance on how to tackle cyber threats and vulnerabilities when procuring 5G equipment, for example by diversifying equipment from different vendors or introducing multi-phase procurement processes;
16. Reaffirms its position on the Digital Europe programme, which imposes security requirements and Commission oversight on entities established in the EU but controlled from third countries, in particular for cybersecurity-related actions;
17. Calls on the Member States to ensure that public institutions and private companies involved in ensuring the proper functioning of critical infrastructure networks such as telecoms, energy, health and social systems, undertake relevant risk assessments that take into account the security threats specifically linked to technical features of the respective system or dependence on external suppliers of hardware and software technologies;
18. Recalls that the current legal framework on telecommunications mandates the Member States to ensure that telecoms operators comply with the integrity and availability of public electronic communication networks, including end-to-end encryption where appropriate; highlights that under the European Electronic Communications Code, Member States have extensive powers to investigate products on the EU market and apply a wide variety of remedies in the event of their non-compliance;

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19. Calls on the Commission and the Member States to make security an obligatory aspect in all public procurement procedures for relevant infrastructure at both EU and national level;
 20. Reminds Member States of their obligation under the EU legal framework, notably Directive 2013/40/EU on attacks against information systems, to impose sanctions on legal persons that have committed criminal offences such as attacks against such systems; emphasises that Member States should also make use of their ability to impose other sanctions on these legal entities, such as temporary or permanent disqualification from practicing commercial activities;
 21. Calls on the Member States, cybersecurity agencies, telecoms operators, manufacturers and providers of critical infrastructure services to report to the Commission and ENISA any evidence of backdoors or other major vulnerabilities that could compromise the integrity and security of telecoms networks or infringe Union law and fundamental rights; expects national data protection authorities as well as the European Data Protection Supervisor to thoroughly investigate indications of data breaches of personal data by external vendors and to impose appropriate penalties and sanctions in line with European data protection law;
 22. Welcomes the upcoming entry into force of a regulation establishing a framework for the screening of foreign direct investments (FDI) for reasons of security and public order, and underlines that this regulation establishes for the first time a list of areas and factors, including communications and cybersecurity, which are relevant for security and public order at EU level;
 23. Calls on the Council to speed up its work on the proposed ePrivacy Regulation;
 24. Reiterates that the EU needs to support cybersecurity across the entire value chain, from research to the deployment and uptake of key technologies, disseminate relevant information, and promote cyber hygiene and educational curricula including cybersecurity, and believes that, among other measures, the Digital Europe programme will be an efficient tool for that;
 25. Urges the Commission and the Member States to take the necessary steps, including robust investment schemes, to create an innovation-friendly environment within the EU, which should be accessible to all businesses in the EU digital economy, including small and medium-sized enterprises (SMEs); urges, furthermore that such an environment should allow European vendors to develop new products, services and technologies which would enable them to be competitive;
 26. Urges the Commission and the Member States to take into account the above requests in the framework of the upcoming discussions on the future EU-China strategy, as preconditions for the EU to remain competitive and for ensuring the security of its digital infrastructure;
 27. Instructs its President to forward this resolution to the Council and the Commission.
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P8_TA(2019)0157

State of EU-Russia political relations**European Parliament resolution of 12 March 2019 on the state of EU-Russia political relations (2018/2158(INI))**

(2021/C 23/02)

The European Parliament,

- having regard to its resolution of 10 June 2015 on the state of EU-Russia relations ⁽¹⁾,
 - having regard to the agreements reached in Minsk on 5 and 19 September 2014 and on 12 February 2015 ⁽²⁾,
 - having regard to its previous resolutions, in particular that of 14 June 2018 on Georgian occupied territories 10 years after the Russian invasion ⁽³⁾, as well as of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars ⁽⁴⁾,
 - having regard to its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case ⁽⁵⁾,
 - having regard to the Foreign Affairs Council conclusions on Russia of 14 March 2016,
 - having regard to the 2018 Sakharov Prize for Freedom of Thought awarded to the Ukrainian filmmaker Oleg Sentsov,
 - having regard to its resolution of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov ⁽⁶⁾,
 - having regard to its resolution of 25 October 2018 on the situation in the Sea of Azov ⁽⁷⁾,
 - having regard to the OSCE/Office for Democratic Institutions and Human Rights (ODIHR) Final Report on the 18 March 2018 Presidential Elections in the Russian Federation,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0073/2019),
- A. whereas the EU is a community based on a key set of common values that include peace, freedom, democracy, the rule of law, and respect for fundamental and human rights;
- B. whereas it acknowledges that the principles enshrined in the UN Charter, the 1975 Helsinki Final Act and the 1990 OSCE Charter of Paris represent the cornerstones of a peaceful European continent;
- C. whereas those values form the basis of the EU's relations with third parties;
- D. whereas the EU's relations with Russia must be based on the principles of international law, respect for human rights, democracy and peaceful conflict resolution, and, as a result of Russia's disregard of these principles, the EU's relations with Russia are currently based on cooperation in selected areas of common interest as defined in the Foreign Affairs Council conclusions of 14 March 2016 and on credible deterrence;

⁽¹⁾ OJ C 407, 4.11.2016, p. 35.

⁽²⁾ 'Protocol on the results of consultations of the Trilateral Contact Group', signed on 5 September 2014, and 'Package of measures for the Implementation of the Minsk Agreements', adopted on 12 February 2015.

⁽³⁾ Texts adopted, P8_TA(2018)0266.

⁽⁴⁾ OJ C 35, 31.1.2018, p. 38.

⁽⁵⁾ OJ C 408, 30.11.2017, p. 43.

⁽⁶⁾ Texts adopted, P8_TA(2018)0259.

⁽⁷⁾ Texts adopted, P8_TA(2018)0435.

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- E. whereas the EU remains open to a stronger relationship and to dialogue leading thereto, and wishes to return to cooperative relations with Russia, once the Russian authorities have met their international and legal obligations and have proven Russia's genuine commitment to restore broken trust; whereas a constructive and predictable relationship would be mutually beneficial and ideally in the interest of both parties;
- F. whereas the Russian Federation, as a full member of the Council of Europe and the OSCE, has committed itself to the principles of democracy, the rule of law and respect for human rights; whereas continued serious violations of the rule of law and the adoption of restrictive laws over the last few years are increasingly calling Russia's compliance with its international and national obligations into question; whereas Russia has failed to implement more than a thousand judgements of the European Court of Human Rights (ECtHR);
- G. whereas a number of governmental reports show the sharp increase in hostile spying activity by Russia in recent years, reaching levels not seen since the Cold War;
- H. whereas the full implementation of the Minsk Agreements and broader respect for international law remain key preconditions for closer cooperation with Russia; whereas in reaction to the illegal annexation of Crimea and the hybrid war against Ukraine by Russia, the EU has adopted a series of restrictive measures that should remain in place until the Minsk Agreements have been fulfilled;
- I. whereas new areas of tension between the EU and Russia have arisen since 2015, including: Russian intervention in Syria and interference in countries such as Libya and Central African Republic; large-scale military exercises (Zapad 2017); Russian interference aimed at influencing elections and referenda and stoking tensions in European societies; Kremlin support for anti-EU parties and far-right movements; restrictions on fundamental freedoms and extensive human rights violations in Russia, the spreading of anti-LGTBI sentiment; the crackdown against political opposition; the systemic targeting of human rights defenders, journalists and civil society in Russia, including the arbitrary detention of Oyub Titiev, head of the Human Rights Centre Memorial (HRC Memorial) office in Chechnya or the case of Yury Dmitriev from the Karelian branch of Memorial; the stigmatisation of civil society activists by labelling them as 'Foreign Agents'; gross violations of human rights in the North Caucasus, in particular in the Chechen Republic (abductions, torture, extrajudicial executions, fabrication of criminal cases, etc.); discrimination against the Tatar minority in occupied Crimea, and the politically motivated persecution of Alexei Navalny and many others, as well as killings, the most notable cases being those of Boris Nemtsov and Sergei Magnitsky; cyber and hybrid attacks and assassinations on European soil carried out by Russian intelligence agents using chemical weapons; the intimidation, arrest and imprisonment of foreign citizens in Russia in breach of international law, including the 2018 Sakharov Prize laureate Oleg Sentsov and many others; the organisation of illegal and illegitimate elections in the Donbas; the holding of non-democratic presidential elections lacking any real choice and with restrictions on fundamental freedoms; disinformation campaigns, the illegal construction of the Kerch Bridge; large-scale militarisation of illegally occupied and annexed Crimea, as well as parts of the Black Sea and the Sea of Azov; restrictions on international navigation in the Sea of Azov and through the Kerch Strait, including ships sailing under the flags of EU Member States; the illegal attack on and seizure of Ukrainian naval vessels and the arrest of Ukrainian servicemen in the Kerch Strait; violations of arms control agreements; the oppressive climate for journalists and the independent media with continued detentions of journalists and bloggers; and the World Press Freedom Index ranking of Russia at 148 out of 180 on media freedom in 2018;
- J. whereas by 1 March 2018, HRC Memorial had recorded 143 cases of political prisoners, including 97 who were being persecuted on religious grounds; whereas an analysis of HRC Memorial's list of political prisoners shows that in 2017, there were 23 cases of people being prosecuted for crimes relating to public events (mass riots, violent actions against a public authority), and there were 21 cases, mostly linked to publishing posts on the Internet, of prosecutions being initiated under the 'anti-extremist' articles of the criminal code;
- K. whereas Russia is directly or indirectly party to a number of protracted conflicts in the common neighbourhood — in Transnistria, South Ossetia, Abkhazia, Donbas and Nagorno Karabakh — that constitute serious impediments to the development and stability of the neighbouring countries concerned, undermine their independence and limit their free sovereign choices;

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- L. whereas the conflict in Eastern Ukraine has lasted more than four years and claimed over 10 000 lives, almost one third of them civilians, and thousands of conflict-related civilian injuries;
- M. whereas the current persistent tensions and confrontation between the EU and Russia are not in the interests of either party; whereas the communication channels should remain open in spite of the disappointing results; whereas the new division of the continent jeopardises the security of both the EU and Russia;
- N. whereas Russia is currently the EU's most important external supplier of natural gas; whereas energy continues to play a central and strategic role in EU-Russia relations; whereas Russia uses energy as a means to protect and promote its foreign policy interests; whereas the EU's dependency on Russian gas supplies has increased since 2015; whereas the EU's resilience to external pressures can be built up through the diversification of energy supply and a decrease in its dependence on Russia; whereas the EU must speak with one voice and show strong internal solidarity when it comes to its energy security; whereas the EU's strong dependence on fossil fuels undermines the development of a balanced, coherent and value-driven European approach vis-à-vis Russia; whereas there is a need for a more reliable and strategic energy infrastructure in the EU, Member States and Eastern Partnership (EaP) countries in order to enhance resilience to Russian hybrid activity;
- O. whereas the irresponsible actions of Russian jet fighters near the airspace of EU and NATO Member States are jeopardising the safety of civilian flights and could be a threat to European airspace security; whereas provocative large-scale military manoeuvres have been conducted by Russia in the immediate vicinity of the EU;
- P. whereas Russia continues to ignore judgments of the ECtHR, as well as binding awards by the Permanent Court of Arbitration such as in the case of Naftogaz, which undermines the international trade dispute settlement mechanisms;
- Q. whereas Russia's polycentric vision of the concert of powers contradicts the EU's belief in multilateralism and a rules-based international order; whereas Russia's adherence to and support for the multilateral rules-based order would create the conditions for closer relations with the EU;
- R. whereas the Russian authorities continue to treat illegally occupied regions as if they were an internal part of Russian territory by allowing the participation of representatives of these territories in the legislative and executive bodies of the Russian Federation, which is in violation of international law;
- S. whereas on 21 December 2018, the Council, having assessed the implementation of the Minsk Agreements, prolonged the economic sanctions targeting specific sectors of the Russian economy until 31 July 2019;
- T. whereas Russia's actions are in breach of international law and commitments and good neighbourly relations;
- U. whereas in the strategic documents of the Russian Federation, the EU and NATO are portrayed as Russia's primary adversaries;

Challenges and shared interests

1. Underlines that Russia's illegal occupation and annexation of Crimea, a region of Ukraine, its direct and indirect involvement in armed conflicts in the eastern part of Ukraine and its continuous violation of the territorial integrity of Georgia and Moldova constitute a deliberate violation of international law, democratic principles and fundamental values; strongly condemns human rights violations carried out by Russian representatives on the occupied territories;
2. Stresses that the EU cannot envisage a gradual return to 'business as usual' until Russia fully implements the Minsk Agreement and restores the territorial integrity of Ukraine; calls, in this regard, for a critical, comprehensive re-assessment by the EU of its relations with the Russian Federation;

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3. Stresses that under the present circumstances, Russia can no longer be considered a 'strategic partner'; is of the view that the principles of Article 2 of the Partnership and Cooperation Agreement (PCA) are no longer being met, and that the PCA should therefore be reconsidered; believes that any framework for the EU-Russia relationship should be based on the full respect of international law, the Helsinki OSCE principles, democratic principles, human rights and the rule of law, and allow for dialogue on managing global challenges, the strengthening of global governance and ensuring enforcement of international rules, particularly with a view to guaranteeing European peace order, and security in EU's neighbourhood and the Western Balkans;
4. Believes that implementation of the Minsk Agreements would demonstrate Russia's good will in contributing to resolving the conflict in Eastern Ukraine and its capacity to guarantee European security; stresses the necessity for consultations to be advanced within the Normandy format process, including a stronger EU role; reiterates its support for the sovereignty and territorial integrity of Ukraine;
5. Believes in the importance of de-escalating current tensions and of engaging in consultations with Russia to reduce the risk of misunderstandings, misinterpretation and misreading; recognises, however, that the EU must be firm in relation to its expectations on Russia; underlines the importance of cooperation between the EU and Russia in the international rules-based order and of positive engagement in the international and multilateral organisations that Russia is a member of, particularly in the framework of the OSCE with regard to the contentious issues and crises;
6. Strongly condemns Russia's involvement in the Skripal case, and in disinformation campaigns and cyber attacks carried out by the Russian intelligence services aimed at destabilising public and private communications infrastructure and at increasing tensions within the EU and its Member States;
7. Is deeply concerned about the links between the Russian Government and the extreme right and populist nationalist parties and governments in the EU that pose a threat to the fundamental values of the Union, which are enshrined in Article 2 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, including respect for democracy, equality, the rule of law and human rights;
8. Regrets, furthermore, Russia's efforts to destabilise EU candidate countries with regard, in particular and by way of an example, to the support provided by Moscow to the organisations and political forces opposing the Prespa Agreement that should end the long-standing dispute on the name between the former Yugoslav Republic of Macedonia and Greece;
9. Believes that Russian state actors interfered in the Brexit referendum campaign using overt and covert means, including social media and potentially illegal financial support, currently under investigation by the UK authorities;
10. Emphasises that increased mutual transparency in military and border guard activities is important in order to avoid further tensions; strongly denounces Russia's violation of the airspace of EU Member States; calls for a clear code of conduct concerning airspace used by military and civilian aircraft; strongly condemns, in this context, Russia's repeated violations of territorial waters and the airspace of countries in the Baltic Sea region; condemns the Russian Federation for its responsibility in the shooting down of flight MH17 over Eastern Ukraine in 2014, as proved by an international team of investigators, and calls for those responsible to be brought to justice;
11. Regrets the significant deterioration in the human rights situation, widespread and undue restrictions of the rights to freedom of expression, association and peaceful assembly in Russia, and expresses its deep concern at the ongoing crackdown on, and harassment and persecution of human rights defenders, protest activists and other critics;
12. Is deeply concerned that Russia so manifestly demonstrates its military powers, articulates threats to other countries and manifests the willingness and readiness to use military force against other nations in real actions, including advanced nuclear weapons, as reiterated by President Putin on several occasions in 2018;

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13. Condemns the government's continuing crackdown on dissent and media freedom, as well as the repression of activists, political opponents and those who openly express disagreement with the government;
14. Expresses its concern at reports of arbitrary detention and torture of men perceived to be gay in Chechnya, and condemns the Chechen Government's statements denying the existence of homosexuals in their country and inciting violence against LGBTI people;
15. Highlights that the global challenges of climate change, the environment, energy security, digitalisation together with algorithmic decision making and artificial intelligence, foreign and security issues, the non-proliferation of weapons of mass destruction and the fight against terrorism and organised crime, and developments in the sensitive Arctic environment, call for selective engagement with Russia;
16. Expresses concern over the potentially hundreds of billions of euros being laundered through the EU every year by Russian companies and individuals looking to legitimise the proceeds of corruption, and calls for investigations into these crimes;
17. Underlines that money laundering and organised criminal financial activities by Russia are being used for subversive political purposes and pose a threat to European security and stability; considers the magnitude of this money laundering to be such as to form part of the hostile activities intended to undermine, misinform and destabilise, while at the same time sustaining criminal activities and corruption; notes that Russian money laundering activities within the EU constitute a threat to sovereignty and the rule of law in all Member States where Russia operates such activities; states that this is a threat to European security and stability, and a major challenge to the European Union's Common Foreign and Security Policy;
18. Condemns money laundering activities, illegal financial activities and other means of economic warfare by Russia; calls for competent financial authorities in the EU to step up cooperation both with each other and with the relevant intelligence and security services, in order to tackle Russian money laundering activities;
19. Reiterates that while the EU's stance is firm, coherent and concerted with respect to EU sanctions on Russia, which will be prolonged as long as Russian violations of international law continue, further coordination and coherence is required in its foreign and security policy approach to Russia; calls, in this context, on Member States to end 'golden visa/passport' programmes which benefit Russian oligarchs who are often Kremlin supporters, and may undermine the effectiveness of international sanctions; reiterates its previous calls for a European Magnitsky Act (the EU Global Human Rights Sanctions Regime), and calls on the Council to pursue its work on this matter without undue delay; calls on the Member States to fully cooperate at European level with regard to their policy towards Russia;
20. Stresses that the restrictive targeted measures relating to Eastern Ukraine and occupied Crimea are not directed against the Russian people but against certain individuals and enterprises connected to the Russian leadership;
21. Underlines, in this regard, that coherence between its internal and external policies and better coordination of the latter is the key to a more coherent, effective and successful EU external and security policy, including vis-à-vis Russia; stresses that this applies in particular to policy areas such as the European Defence Union, the European Energy Union, cyber defence and strategic communication tools;
22. Condemns Russia's violation of the territorial integrity of neighbouring countries including through the illegal kidnapping of citizens of those countries so that they can be charged before a Russian court; further condemns Russia's abuse of Interpol by issuing 'wanted person alerts' — so-called 'red notices' — to persecute political opponents;

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23. Condemns Russia's actions in the Sea of Azov in so far as they constitute a breach of international maritime law and Russia's international commitments, as well as the building of the Kerch Bridge and the laying of underwater cables to the illegally annexed Crimean peninsula without the consent of Ukraine; remains deeply concerned about the Russian militarisation of the Sea of Azov, the Black Sea region and Kaliningrad District, as well as the recurring pattern of violating the territorial waters of European countries in the Baltic Sea;

24. Reaffirms its unequivocal support for the sovereignty and territorial integrity of Georgia; demands that the Russian Federation cease its occupation of the Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia and fully respect the sovereignty and territorial integrity of Georgia; stresses the need for the Russian Federation to unconditionally fulfil all the provisions of the ceasefire agreement of 12 August 2008, in particular the commitment to withdrawing all its military forces from the territory of Georgia;

25. Underscores that Russia's disregard of international rules — in this case the freedom of the seas, bilateral agreements and the illegal annexation of Crimea — poses a threat to Russia's neighbours in all parts of Europe, not only in the Black Sea region, but also in the Baltic Sea region and the Mediterranean; highlights the importance of developing a firm policy towards Russia in all these respects;

26. Notes that the Presidential elections of 18 March 2018 were observed by the International Election Observation Mission (IEOM) of the ODIHR EOM and the OSCE Parliamentary Assembly (OSCE PA); notes that the ODIHR Election Observation Mission Final Report states that elections took place in an overly controlled legal and political environment marked by continued pressure on critical voices and restrictions being placed on the fundamental freedoms of assembly, association and expression, as well as on candidate registration, and therefore lacked genuine competition;

27. Is concerned about the continuous Russian support for authoritarian regimes and countries such as North Korea, Iran, Venezuela, Syria, Cuba, Nicaragua and others, and its ongoing practice of blocking any international action by using its veto powers in the UN Security Council (UNSC);

Areas of common interest

28. Reiterates its support for the five principles guiding the EU's policy towards Russia, and calls for further definition of the selective engagement principle; recommends that the focus be placed on issues relating to the MENA and the Northern and Arctic region, terrorism, violent extremism, non-proliferation, arms control, strategic stability in the cyber sphere, organised crime, migration and climate change, including joint efforts to safeguard the UNSC-endorsed Joint Comprehensive Plan of Action (JCPOA) with Iran, and bringing an end to the war in Syria; reiterates that while consultations between the EU and Russia on cyber terrorism and organised crime need to continue, Russia's systematic hybrid threats require strong deterrence; calls, in this context, for an EU-Russia-China-Central Asia dialogue on connectivity;

29. Underlines that the EU is currently Russia's largest trading partner and will keep its position as key economic partner for the foreseeable future, but that Nord Stream 2 reinforces EU dependency on Russian gas supplies, threatens the EU internal market and is not in line with EU energy policy or its strategic interests, and therefore needs to be stopped; emphasises that the EU remains committed to completing the European Energy Union and diversifying its energy resources; underlines that no new projects should be implemented without a prior legal assessment of their legal conformity with EU law and with the agreed political priorities; deplores Russia's policy of using its energy resources as a political tool to exert, maintain and increase its political influence over and pressure on its perceived sphere of influence and end-consumers;

30. Underlines that EU-Russia cross-border cooperation programmes and the constructive cooperation in the Northern Dimension Partnerships and in the Barents-Euro-Arctic bring tangible benefits to the citizens of cross-border areas and support the sustainable development of these areas; recommends, in this context, that all of these positive areas of constructive cooperation continue to be fostered;

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31. Notes the importance of people-to-people contacts, for example through education and culture;
32. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and on the Member States to strengthen their efforts towards a resolution of the so-called 'frozen conflicts' in the Eastern neighbourhood, in order to ensure greater security and stability for the EU's Eastern partners;

Recommendations

33. Stresses the importance of continued political and financial support for people-to-people contacts in general and, in particular, for civil society activists, human rights defenders, bloggers, independent media, investigative journalists, outspoken academics and public figures, and NGOs; calls on the Commission to programme more ambitious and long-term financial, institutional and capacity building assistance to Russian civil society from the existing external financial instruments, and calls on the Member States to further contribute to this assistance; encourages the Member States to actively implement the EU guidelines on human rights defenders by providing effective and timely support and protection to human rights defenders, journalists and other activists; particularly encourages Member States to issue long-term visas to human rights defenders at risk and their family members; supports increased funding for journalist training and exchanges with European journalists and for instruments that advance human rights and democracy, such as the European Instrument for Democracy and Human Rights (EIDHR) and the European Endowment for Democracy (EED);

34. Calls for more people-to-people contacts with a focus on young people, on reinforcing dialogue and cooperation between EU and Russian experts, researchers, civil societies and local authorities and for intensified student, vocational trainee and youth exchanges, particularly in the Erasmus+ framework; supports, in this context, increased funding for the new Erasmus + programmes 2021-2027; notes that the EU provides the highest number of academic mobility opportunities to Russia in comparison with other international partner countries;

35. Calls for the unconditional release of all human rights defenders and other persons detained for peacefully exercising their rights to freedom of expression, assembly and association, including of the Director of the Memorial HRC in the Chechen Republic, Oyub Titiev, who is on trial on the basis of fabricated charges of drug possession; urges the Russian authorities to ensure full respect for their human and legal rights, including access to a lawyer and medical care, physical integrity and dignity, and protection from judicial harassment, criminalisation and arbitrary arrest;

36. Notes that civil society organisations are often too weak to have a substantial impact on the fight against corruption in Russia, while NGOs are systematically discouraged from actively engaging in any anti-corruption efforts or promoting public integrity; underlines that it is necessary to involve civil society in the independent monitoring of the effectiveness of anti-corruption policies; calls on Russia to correctly implement international anti-corruption standards formulated in, for example, the UN Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention);

37. Underlines that the promotion of human rights and the rule of law must be at the core of the EU's engagement with Russia; calls, therefore, for the EU and the Member States to continue bringing up human rights issues in all contacts with Russian officials; encourages the EU to continuously call on Russia to repeal or amend all laws and regulations incompatible with international human rights standards, including provisions restricting the right to freedom of expression, assembly and association;

38. Expresses its conviction that Russia's membership in the Council of Europe is an important element of the present landscape of institutional relations in Europe; hopes that ways can be found to convince Russia of not abandoning its Council of Europe membership;

39. Condemns the attempts by the Russian Government to block internet messaging services and websites; urges the Russian Government to uphold the fundamental rights to freedom of expression and privacy online as well as offline;

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40. Calls for the EU institutions and Member States to make greater efforts to build resilience, particularly in the cyber and media fields, including mechanisms to detect and fight election interference; calls for resilience against cyberattacks to be increased; expresses deep concern that the EU reaction and response to the Russian propaganda campaign and massive direct disinformation attacks has been insufficient and should be further strengthened, in particular before the upcoming European elections in May 2019; stresses, in this context, that EU funding and human resources for the East Stratcom Task Force must be substantially increased; calls for EU-wide support for the European cyber-security industry, a functioning digital internal market and a stronger engagement in research; encourages, in this context, the promotion of European values in Russian by East Stratcom; welcomes the adoption of EU Action Plan against Disinformation, and calls on Member States and all relevant EU actors to implement its actions and measures, in particular in the run-up to the upcoming European elections in May 2019;

41. Calls for the EU to consider developing a binding legal framework, both at EU and international level, for tackling hybrid warfare that would allow for a robust response by the Union to campaigns that threaten democracy or the rule of law, including targeted sanctions against those responsible for orchestrating and implementing these campaigns;

42. Believes that meaningful dialogue requires firmer unity among Member States and clearer communication of the red lines on the EU side; stresses, therefore, that the EU should stand ready to adopt further sanctions, including targeted personal sanctions, and limiting access to finances and technology if Russia's violation of international law continues; stresses, however, that such measures are not against the Russian people but targeted individuals; calls on the Council to carry out an in-depth analysis of the efficiency and strictness of the sanctions regime in place; welcomes the Council's decision to impose restrictive measures on European companies involved in the illegal construction of the Kerch Bridge; reiterates its concern at the involvement of these companies which, through this involvement, either knowingly or unknowingly undermined the EU sanctions regime; calls on the Commission, in this context, to assess and verify the application of the EU restrictive measures in force, and on the Member States to share information regarding any national customs or criminal investigations into cases of potential violations;

43. Calls for an EU-wide mechanism allowing the screening of political parties' funding, and for subsequent measures to be taken to avoid some parties and movements being used to destabilise the European project from within;

44. Condemns the increasing scope and number of Russian military drills, where Russian forces practice offensive scenarios with the use of nuclear weapons;

45. Urges the Commission and the European External Action Service (EEAS) to prepare without delay a legislative proposal for an EU-wide Magnitsky Act which would allow the imposition of visa bans and targeted sanctions, such as blocking property and interests in property within the EU's jurisdiction on individual public officials or persons acting in an official capacity, who are responsible for acts of corruption or serious human rights violations; stresses the importance of an immediate sanctions list in order to secure the effective implementation of a European Magnitsky Act;

46. Calls for the EU to verify the application of the EU restrictive measures in force, as well as the sharing of information between Member States, in order to ensure that the EU sanctions regime against Russia's actions is not undermined, but applied in proportion to the threats posed by Russia; underlines the danger of weakening the sanctions without Russia demonstrating through clear actions, not only in words, that it respects the borders of Europe and the sovereignty of its neighbours and other nations, as well as international rules and agreements; reiterates that business as usual only can be possible once Russia fully respects the rules and restricts itself to acting in a peaceful manner;

47. Reiterates that Russia has no right of veto over the Euro-Atlantic aspirations of European nations;

48. Calls on the Commission to closely monitor the consequences of Russian counter-sanctions on economic actors and, if needed, consider compensatory measures;

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49. Underlines that there can only be political solutions to the conflict in Eastern Ukraine; encourages confidence-building measures in the Donbas region; supports a mandate for deploying a UN peacekeeping force in this region of Eastern Ukraine; reiterates its call to appoint an EU Special Envoy for Crimea and the Donbas region;

50. Condemns the arbitrary measure of banning EU politicians, among them current and former Members of the European Parliament, and EU officials from access to Russian territory; calls for the immediate and unconditional lifting of the entry ban;

51. Calls on Russia to immediately release political prisoners, including foreign citizens, and journalists;

52. Calls on Russia to cooperate fully in relation to the international investigation into the downing of flight MH17, which could possibly constitute a war crime; condemns any attempt or decision to grant amnesty to, or delay the prosecution of, those identified as responsible, as the perpetrators should be held to account;

53. Calls on the Russian Government to refrain from blocking UNSC resolutions on the situation in Syria that seek to address the ongoing violence against civilians, including the use of chemical weapons, gross violations of the Geneva Conventions and violations of universal human rights;

54. Supports the swift completion of an integrated European Energy Union that would in future include the Eastern Partners; stresses the role that an ambitious policy on energy efficiency and renewables can play in this regard; strongly condemns Russian pressure on Belarus to essentially renounce its independence; underlines that independently of advancing an EU-Russia strategy, the EU must reinforce its commitment and support for its Eastern Partners and support reforms to strengthen security and stability, democratic governance and the rule of law;

55. Supports increased funding for the EED, the Russian Language News Exchange (RLNE) and other instruments to advance democracy and human rights in Russia and elsewhere;

56. Calls on the Russian authorities to condemn Communism and the Soviet regime, and to punish the perpetrators of the crimes and offences committed under that regime;

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57. Instructs its President to forward this resolution to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.

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P8_TA(2019)0158

Building EU capacity on conflict prevention and mediation

European Parliament resolution of 12 March 2019 on building EU capacity on conflict prevention and mediation (2018/2159(INI))

(2021/C 23/03)

The European Parliament,

- having regard to the Universal Declaration of Human Rights and other UN human rights treaties and instruments,
- having regard to the principles and purposes of the UN Charter,
- having regard to the European Convention on Human Rights,
- having regard to the 1975 Helsinki Final Act of the Organisation for Security and Cooperation in Europe (OSCE) and all its principles, as a cornerstone document for the European and wider regional security order,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Treaty on European Union and the Treaty on the Functioning of the European Union,
- having regard to the UN's Sustainable Development Goals (SDGs) and to the 2030 Agenda for Sustainable Development,
- having regard to the UN Security Council's resolutions on conflict prevention and mediation, as well as those on women, peace and security, and on youth, peace and security,
- having regard to the Council's Concept on Strengthening EU Mediation and Dialogue Capacities, of 10 November 2009 (15779/09),
- having regard to the Global Strategy for the European Union's Foreign and Security Policy presented by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini on 28 June 2016, and to the first report on its implementation entitled 'From Shared Vision to Common Action: Implementing the EU Global Strategy', published on 18 June 2017,
- having regard to 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 ⁽¹⁾,
- having regard to its recommendation of 5 July 2018 to the Council on the 73rd session of the United Nations General Assembly ⁽²⁾,
- having regard to Regulation (EU) 2017/2306 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 230/2014 establishing an instrument contributing to stability and peace ⁽³⁾,
- having regard to the Proposal of 13 June 2018 of the High Representative of the Union for Foreign Affairs and Security Policy, with the support of the Commission, to the Council for a Council Decision establishing a European Peace Facility (HR(2018) 94),

⁽¹⁾ OJ C 356, 4.10.2018, p. 130.

⁽²⁾ Texts adopted, P8_TA(2018)0312.

⁽³⁾ OJ L 335, 15.12.2017, p. 6.

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- having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0075/2019),
- A. whereas promoting international peace and security is part of the EU's *raison d'être*, recognised by the 2012 Nobel Peace Prize, and is central to the Lisbon Treaty;
 - B. whereas the EU is committed to implementing the Women, Peace and Security Agenda in line with UN Security Council Resolution 1325 and subsequent updates, and the Youth, Peace and Security Agenda in line with UN Security Council Resolution 2250 and subsequent updates;
 - C. whereas the EU is one of the biggest donors in support of conflict prevention and peace building through its external assistance instruments;
 - D. whereas the EU, as a key contributor to international organisations, a core aid donor and the world's largest trading partner, should take a leading role in global peacebuilding, conflict prevention and the strengthening of international security; whereas conflict prevention and mediation should be articulated as part of a comprehensive approach combining security, diplomacy and development;
 - E. whereas cooperation is necessary with regional organisations such as the OSCE, which, in its 1975 Helsinki Final Act, stipulates, among others, the principles of the non-use of force, territorial integrity of states, equal rights and self-determination of peoples, and whereas these organisations play a key role in conflict prevention and mediation;
 - F. whereas the prevention of violent conflict is fundamental in addressing the security challenges facing Europe and its neighbourhood and for political and social advancement; whereas it is also an essential element of effective multilateralism and it is instrumental to achieving the SDGs, specifically Goal 16 on peaceful and inclusive societies, access to justice for all and effective, accountable and inclusive institutions at all levels;
 - G. whereas continued EU support to civil and military actors in third countries is an important factor in preventing recurrent violent conflict; whereas sustainable and lasting peace and security are inseparable from sustainable development;
 - H. whereas conflict prevention and mediation should ensure the maintenance of stability and development in those states and geographical areas whose situation represents a direct security issue for the Union;
 - I. whereas prevention is a strategic function which aims to ensure effective action ahead of crises; whereas mediation is another tool of diplomacy that can be used to prevent, contain or resolve a conflict;
 - J. whereas internal and external security are increasingly inextricably linked and the complex nature of global challenges requires a comprehensive and integrated EU approach to external conflicts and crises;
 - K. whereas a stronger interinstitutional approach is required in order to ensure that the EU is able to develop and to implement its capacities to their full potential;
 - L. whereas the EU Global Strategy, political statements and institutional developments are welcome signs of the commitment of the VP/HR to prioritising conflict prevention and mediation;

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- M. whereas the external financing instruments provide a significant contribution in support of conflict prevention and peacebuilding;
- N. whereas transitional justice is an important set of judicial and non-judicial mechanisms focusing on accountability for past abuses as well as the establishment of a sustainable, just and peaceful future;
- O. whereas Parliament has taken a prominent role in parliamentary diplomacy, including mediation and dialogue processes, drawing on its ingrained culture of dialogue and consensus building;
- P. whereas violent conflict and war have a disproportionate impact on civilians, particularly women and children, and put women at greater risk than men of economic and sexual exploitation, forced labour, displacement, detention and sexual violence such as rape, which is used as a tactic of war; whereas the active participation of women and young people is important for conflict prevention and peacebuilding as well as in the prevention of all forms of violence, including sexual and gender-based violence;
- Q. whereas it is essential to include and support the active and meaningful participation of civil society and local actors, both civilian and military, including women, minorities, indigenous peoples and young people, when promoting and facilitating capacity and confidence building in mediation, dialogue and reconciliation;
- R. whereas conflict prevention, peacebuilding and peace keeping efforts are frequently underfunded, despite policy commitments at EU level, which has knock-on effects on the capacity to promote and facilitate action in these areas;
1. Encourages the Union to further prioritise conflict prevention and mediation in the framework or in support of existing agreed negotiating formats and principles; underlines that this approach is delivering a high degree of EU added value in political, social, economic and human security terms globally; recalls that conflict prevention and mediation actions contribute to asserting the presence and credibility of the Union on the international scene;
 2. Recognises the role played by civil and military missions carried out by the common security and defence policy (CSDP) in maintaining peace, avoiding conflicts and strengthening international security;
 3. Calls on the VP/HR, the President of the Commission and the President of the European Parliament to set joint, long-term priorities in the area of conflict prevention and mediation, which should become part of a regular strategic programming exercise;
 4. Calls for long-term peacebuilding addressing the root causes of conflict;
 5. Calls for the enhancement of the current architecture to support the EU's priorities as described below;
 6. Calls for conflict-sensitive and people-centred approaches which put human security at the core of EU engagement in order to achieve positive and sustainable results on the ground;
 7. Invites the European External Action Service (EEAS) and the Commission's services dealing with external action to present a yearly report to Parliament on the progress made in implementing EU policy commitments on conflict prevention and mediation;

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On enhancing the EU's institutional capacities for conflict prevention and mediation

8. Supports the more coherent and holistic engagement of the EU in external conflicts and crises, considers that the integrated approach to external conflicts and crises constitutes the added value of the Union's external action and that all means must be implemented as rapidly as possible in order to clarify EU responses at each stage of the conflict and to make this integrated approach more operational and more effective; recalls in this context the norms and principles of international law and the UN Charter, and expresses support for existing negotiating frameworks, approaches and principles; reiterates that each conflict should be viewed independently;
9. Stresses that this capacity building should enable Member States to identify priority geographical areas for conflict prevention and mediation actions, and facilitate bilateral cooperation between European countries;
10. Calls for the establishment, under the authority of the VP/HR, of an EU high-level advisory board on conflict prevention and mediation, with the aim of setting up a comprehensive pool of experienced senior political mediators and conflict prevention experts to make available political and technical expertise at short notice; believes that a pool of experts covering reconciliation and transitional justice is also needed; calls for the establishment of reconciliation and accountability mechanisms to be systematically encouraged in all post-conflict areas in order to ensure accountability for past crimes, as well as prevention and deterrence for the future;
11. Calls for the appointment of an EU Special Envoy for peace to chair the EU high-level advisory board, in order to promote coherence and coordination across the institutions, including in their engagement with civil society, to improve the exchange of information and lead to increased and earlier action;
12. Calls for the establishment of other interinstitutional mechanisms such as task forces for specific conflict prevention situations;
13. Calls for the establishment of a dedicated Council working group on conflict prevention and mediation, emphasising EU's strong commitment to peace and stability in its neighbouring regions;

On the European External Action Service

14. Welcomes the establishment of a dedicated EEAS 'Conflict prevention, Peace building and Mediation Instruments Division' and the development of tools such as the Early Warning System and horizon scanning; calls for investments to further develop such tools;
15. Calls for more systematic gathering, management and dissemination of relevant knowledge in formats that are accessible, practical and operationally relevant for staff across the EU institutions;
16. Calls for further capacity development on gender-sensitive conflict analysis, early warning, reconciliation and conflict prevention for in-house staff, mediators and other experts, as well as for third parties, engaging with the EEAS and including civil society organisations;

On the European Commission

17. Recalls the growing need for conflict prevention in addressing the root causes of conflict and in achieving the SDGs, with a particular focus on democracy and human rights, the rule of law, judicial reform and support for civil society;
18. Highlights the fact that all EU interventions in violent and conflict-affected areas need to be conflict and gender sensitive; calls for immediate action to embed these aspects in all relevant policies, strategies, actions and operations, entailing a greater focus on the avoidance of doing harm, while maximising the EU's contribution to achieving long-term conflict prevention and peace-building objectives;

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On the European Parliament

19. Underlines the role of the Democracy Support and Election Coordination Group (DEG) and its lead MEPs as the operational body for coordinating mediation and dialogue initiatives and welcomes new initiatives such as the Jean Monnet Dialogue for peace and democracy (using the historic Jean Monnet House in Bazoches, France), activities on election-related violence, and inter-party dialogue and consensus-building, as well as the Young Political Leaders' programme, and recommends that these should be developed further as key instruments of the European Parliament in the area of mediation, facilitation and dialogue; welcomes the decision of the DEG to build on the success of the Jean Monnet Dialogue process with the Macedonian Sobranie by extending the Jean Monnet Dialogue's methodology throughout the countries of the Western Balkans;

20. Welcomes the partnership with the Ukrainian Verkhovna Rada in the format of the Jean Monnet Dialogues, which has the aim of building consensus among political factions and parties in the Verkhovna Rada and, most importantly, of transforming the political culture towards a modern European parliamentary approach based on democratic dialogue and consensus building;

21. Welcomes the conclusions of the fifth Jean Monnet Dialogue, which took place from 11 to 13 October 2018 and where steps were taken concerning support for the implementation of the Association Agreement; recognises the request for the European Parliament to work with the Commission to facilitate a dialogue with key stakeholders from the Verkhovna Rada and the Government of Ukraine on improving the effectiveness of the Verkhovna Rada in its role in relation to the implementation of the Association Agreement;

22. Welcomes the new tri-partite initiative of the Speakers of the Parliaments of Ukraine, Moldova and Georgia to establish a regional parliamentary assembly as an important platform for regional dialogue on strategic issues including the implementation of Association Agreements and for responding to key security challenges including hybrid war and disinformation; considers Parliament's support for this regional parliamentary dialogue to be an important sign of its commitment to the region in the face of common regional security challenges;

23. Recognises its growing role in the political mediation processes; highlights, in this respect, the joint initiative of the Commissioner for European Neighbourhood Policy and Enlargement Negotiations and three mediators of the European Parliament, Mr Kukan, Mr Vajgl and Mr Fleckenstein, in supporting the party leaders in the Former Yugoslav Republic of Macedonia in overcoming the political crisis through the adoption of the 2015 Przino Agreement; confirms its readiness to build on this example of close interinstitutional cooperation with the Commission and the EEAS by stepping up its engagement to strengthen political dialogues and reconciliation throughout the Western Balkans and the wider neighbourhood;

24. Calls for further development of the Young Political Leaders' programme in the context of the Youth, Peace and Security Agenda, based on UN Security Council Resolution 2250, as well as for the continuation of the excellent cooperation with the VP/HR's regional initiative for the Mediterranean under the Young Med Voices programme;

25. Considers that the High Level Youth Dialogue 'Bridging the gap' provides a space for dialogue among youth representatives and young members of parliaments from the Western Balkans, which is important in supporting a culture of cross-party dialogue and reconciliation as well as fostering the European perspective of the countries in the region;

26. Recommends that the existing parliamentary training and coaching programmes available for Members of the European Parliament, particularly those appointed as mediators or Chief Observers, as well as training programmes for third country parliamentarians, political parties and staff, be further developed, including those on gender and youth aspects, also in coordination with structures in Member States which have developed expertise in this field;

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27. Considers that Parliament's capacities could be further developed with the appointment of a vice-president responsible for coordinating mediation and facilitation of dialogue activities, who would act in close cooperation with the DEG; calls for the establishment of a pool of current and former Members of the European Parliament;

28. Underlines the role of European Parliament's Sakharov Prize in raising awareness about conflicts around the world; calls for an increase in the prize money awarded in the next Parliamentary term;

29. Recognises the need for Parliament, in support of overall EU efforts, to institutionalise its procedures on mediation; calls for the strengthening of parliamentary diplomacy and exchange activities, including through the work of parliamentary delegations;

30. Underlines the long-standing close cooperation between Parliament and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in the area of elections and support for democracy; calls for the extension of this cooperation into the area of mediation and dialogue;

On women, peace and security — enhancing gender capacities in EU conflict prevention and mediation

31. Calls for the EU to take a leading role in the implementation of the UN Security Council resolutions on women, peace and security and the incorporation of the principles contained therein at all stages of EU conflict prevention and mediation activities;

32. Calls for the implementation of full gender equality and for particular efforts to ensure the participation of women, girls and young people and the protection of their rights across the conflict cycle, from conflict prevention to post-conflict reconstruction, in the context of EU conflict prevention and mediation activities;

33. Calls for all exercises in cooperation, training and intervention to be gender sensitive; welcomes the EU initiatives in this regard, as well as its active contribution to the next Gender Action Plan, and the new EU Strategic Approach to women, peace and security;

34. Calls for the inclusion of expertise on gender, including gender-based violence and conflict-related sexual violence, in all stages of conflict prevention, the mediation process and peacebuilding;

35. Calls for the EU to take a leading role in the implementation of the UN Security Council resolutions on youth, peace and security, and the integration of the principles enshrined therein in EU conflict prevention and mediation activities;

36. Calls for all cooperation, training and interventions to be sensitive to and informed by the needs and aspirations of young women and young men, keeping in mind the differentiated ways in which violent conflict impacts their lives and futures and the valuable contributions they can make to preventing and resolving violent conflict;

On enhancing the role and capabilities of civil society organisations in the EU's approach to conflict prevention and mediation

37. Considers that the role of civil society organisations should be taken into account in the EU's overall approach and its priorities for capacity development;

38. Underlines the importance of confidence building measures and people-to-people contacts in conflict prevention and resolution;

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39. Calls for consultations with civil society organisations, especially those specialised in women's rights and minorities' human rights, when establishing and implementing EU programmes and policies on peace, security and mediation;

On financial and budgetary resources available for EU conflict prevention and mediation

40. Takes the view that growing challenges demand higher appropriations for conflict prevention and the provision of dedicated staff capacity;

41. Stresses the need for sufficient and earmarked financial resources to be made available for the EU's conflict prevention and mediation actions under the next multiannual financial framework (2021-2027);

42. Invites the VP/HR to provide Parliament with an update on the EEAS budget line dedicated to conflict analysis and conflict sensitivity, early warning, mediation support and the future priorities in this field;

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43. Instructs its President to forward this resolution to the Presidents of the Commission and the Council, the Commission Vice-President / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the EEAS, the EU Special Representative for Human Rights, the Commission, the OSCE, the UN Secretary-General, and the governments and parliaments of the Member States.

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P8_TA(2019)0186

A Europe that protects: Clean air for all**European Parliament resolution of 13 March 2019 on a Europe that protects: Clean air for all (2018/2792(RSP))**

(2021/C 23/04)

The European Parliament,

- having regard to Article 37 of the Charter of Fundamental Rights of the European Union,
- having regard to Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC ⁽¹⁾,
- having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe ⁽²⁾,
- having regard to Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency ⁽³⁾ and its requirements regarding the achievement of a healthy indoor environment,
- having regard to its recommendation of 4 April 2017 to the Council and the Commission following the inquiry into emission measurements in the automotive sector ⁽⁴⁾,
- having regard to its resolution of 6 July 2017 on EU action for sustainability ⁽⁵⁾,
- having regard to its resolution of 14 December 2017 on a European Strategy for Low Emission Mobility ⁽⁶⁾,
- having regard to its resolution of 2 December 2015 on sustainable urban mobility ⁽⁷⁾,
- having regard to its resolution of 17 April 2018 on the implementation of the 7th Environment Action Programme ⁽⁸⁾,
- having regard to the 2017 report of the European Environment Agency entitled 'Air quality in Europe',
- having regard to the special report of the European Court of Auditors entitled 'Air Pollution: Our Health still insufficiently protected' ⁽⁹⁾, published on 11 September 2018,
- having regard to the 2018 update to the World Health Organisation (WHO) Global Ambient Air Quality Database,
- having regard to the WHO guidelines for indoor air quality,
- having regard to its study of September 2018 entitled 'Air Quality and urban traffic in the EU: best practices, and possible solutions' ⁽¹⁰⁾,

⁽¹⁾ OJ L 344, 17.12.2016, p. 1.

⁽²⁾ OJ L 152, 11.6.2008, p. 1.

⁽³⁾ OJ L 156, 19.6.2018, p. 75.

⁽⁴⁾ OJ C 298, 23.8.2018, p. 140.

⁽⁵⁾ OJ C 334, 19.9.2018, p. 151.

⁽⁶⁾ OJ C 369, 11.10.2018, p. 114.

⁽⁷⁾ OJ C 399, 24.11.2017, p. 10.

⁽⁸⁾ Texts adopted, P8_TA(2018)0100.

⁽⁹⁾ Special Report No. 23/2018 of the European Court of Auditors, https://www.eca.europa.eu/Lists/ECADocuments/SR18_23/SR_AIR_QUALITY_EN.pdf

⁽¹⁰⁾ [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604988/IPOL_STU\(2018\)604988_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604988/IPOL_STU(2018)604988_EN.pdf)

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- having regard to the judgement of the General Court of the European Union of 13 December 2018 in Cases T-339/16 (*Ville de Paris v Commission*), T-352/16 (*Ville de Bruxelles v Commission*) and T-391/16 (*Ville de Madrid v Commission*);
 - having regard to the briefing paper of the European Court of Auditors of 7 February 2019 on the EU's response to the 'dieselgate' scandal ⁽¹⁾;
 - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the question to the Commission on a Europe that protects: Clean air for all (O-000138/2018 — B8-0009/2019),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the EU's legal emissions limits are still above what has been recommended by the WHO, and whereas the European Environment Agency (EEA) estimates that more than 400 000 premature deaths attributable to air pollution are reported in the EU every year; whereas 98 % of the EU's urban population is exposed to ozone levels that exceed WHO guidelines;
- B. whereas air quality in Europe has seen a slow but steady improvement over the past decades and European legislation has been the main driver for this beneficial development;
- C. whereas the most recent EEA estimates of the health impacts attributable to exposure to air pollution indicate that particulate matter 2,5 (PM_{2,5}) concentrations in 2014 were responsible for about 399 000 premature deaths originating from long-term exposure in the EU-28; whereas the estimated impacts in the EU of exposure to NO₂ and O₃ concentrations in 2014 were around 75 000 and 13 600 premature deaths per year respectively;
- D. whereas poor air quality has an enormous impact on health, and whereas pregnant women, children and the elderly are particularly exposed;
- E. whereas around 90 % of Europeans living in cities are exposed to levels of air pollution deemed damaging to human health;
- F. whereas road traffic is responsible for around 40 % of emissions of nitrogen oxides (NO_x) in the EU and whereas around 80 % of the total NO_x from road traffic is generated by diesel-powered vehicles; whereas emissions produced by diesel-powered passenger cars that exceeded the EU pollution limits on the road were responsible for the premature deaths of 6 800 Europeans in 2015;
- G. whereas the economic consequences of the health impacts of poor air quality are estimated to be a loss of 3-9 % of EU GDP;
- H. whereas the failure to implement air quality legislation in urban areas and to tackle indoor air pollution is particularly worrying and hinders the achievement of Priority Objective 3 under the 7th Environmental Action Plan, according to which the Union's citizens should be safeguarded from environment-related pressures and risks to health and well-being;
- I. whereas current food and farming systems are responsible for excessive ammonia, nitrous oxide and methane emissions; whereas 94 % of ammonia emissions and 40 % of methane emissions come from agricultural activities; whereas on a global scale, intensive livestock farming produces more greenhouse gas emissions than transport;

⁽¹⁾ https://www.eca.europa.eu/lists/ecadocuments/inbrp_vehicle_emissions/inbrp_vehicle_emissions_en.pdf

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- J. whereas poor air quality poses a growing challenge in the context of sustainable development, and whereas tackling air pollution is of critical importance in ensuring the implementation of the 2030 UN Sustainable Development Goals (SDGs) in Europe and beyond;
- K. whereas the WHO adopted, in 2000, a set of principles establishing the right to healthy indoor air, wherein it noted that 'under the principles of the human right to health, everyone has the right to breathe healthy indoor air';
- L. whereas the Union should strive to promote action at global level to curb air pollution;
- M. whereas black carbon (BC), a product of incomplete combustion of organic carbon as emitted from traffic, fossil fuels and biomass burning and industry, is one of the constituents of fine PM and has a global warming effect;

General remarks

1. Notes that in 2018, six Member States were referred to the Court of Justice of the European Union for failing to comply with EU air quality standards; recalls in addition that 29 infringement cases are currently underway in 20 Member States for failure to comply with EU air quality limit values, that approximately two thirds of Member States are currently in non-compliance with PM₁₀ and NO₂ limit values and that one in five exceed the PM_{2,5} target value;
2. Urges the Commission to act without delay on PM_{2,5} by proposing the introduction of more stringent compliance values for these particles in EU air quality legislation, as recommended by the WHO;
3. Urges the Commission and the Member States to assess and review air quality policies only on the basis of robust, up-to-date, independent and peer-reviewed scientific evidence;
4. Urges the Member States to prioritise the implementation of coordinated actions and policies at all levels and in all sectors aimed at improving air quality in cities and urban areas, in order to reach EU air quality goals, taking into consideration the impacts of pollutants on the climate and ecosystems; recalls that air pollution and the associated illnesses and deaths cause considerable social and health costs and impose a significant burden on public budgets throughout the Union; urges the Member States to ensure that measures to improve air quality in urban areas do not have a negative impact on the air quality in surrounding areas, such as suburban areas and wider agglomerations;
5. Underlines once again that air pollution has a local, regional, national and cross-border dimension and requires action at all levels of governance; asks, therefore, for a strengthening of the multi-level governance approach where all actors take responsibility for measures that can and should be taken at their level; similarly, considers that policymaking in the Commission should be more joined up, with the involvement of all Directorates-General concerned; regrets that, despite being competent for air pollution, DG Environment's objectives are often undermined by policies and interests coming out of other departments;
6. Calls on the competent authorities in the Member States to take a comprehensive and all-inclusive approach to air pollution, including indoor air pollution, taking into account the various areas involved and affected, such as farming and food production systems, nature conservation, climate change, energy efficiency, mobility and urban planning, and to prioritise pollution mitigation approaches which have co-benefits in other domains; urges the competent authorities to develop clean air action plans comprising credible measures that address all sources of air pollution and all sectors of the economy; encourages cities and competent authorities to start working at all levels on a covenant for clean air for all;

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7. Supports the continuation of the so-called 'Clean Air Dialogues' between the Commission and Member States, which should address all implementation gaps on the basis of a holistic approach;
8. Considers that air quality plans for zones and agglomerations where air quality is poor owing to levels of pollutants persistently above the limit values set at EU level should eliminate the exceedances as soon as possible, as legally required by Directive 2008/50/EC and clearly confirmed in case law of the Court of Justice of the European Union ⁽¹⁾, ⁽²⁾;
9. Points out the need for a holistic approach to air pollution in European cities that takes into account the various sources of air pollution; calls on the Commission to carry out an ambitious update of the Ambient Air Quality Directive, matching the latest WHO limit and target values for PM, SO₂ and O₃ and setting a short-term value for PM_{2,5}, to put forward effective measures that enable the Member States to comply with Directive 2008/50/EC, to prioritise the assessment of the measures adopted by the Member States with a view to improving air quality in the context of infringement procedures, and to step up its efforts to check compliance at Member State level, including with the standards of the Real Driving Emissions (RDE) test procedure under Commission Regulation (EU) 2017/1151 on type approval of vehicles ⁽³⁾;
10. Regrets the flexibility mechanism introduced under Article 5 of Directive (EU) 2016/2284; highlights that in 2018, 11 Member States requested adjustments to their national emission ceilings; calls on the Commission to limit the use of emission inventory adjustment to the strict minimum and to consider whether Member States have taken action to compensate for possible unforeseen emissions from certain sectors before applying for an adjustment of emission inventories;
11. Regrets that the criteria for locating sampling points to measure pollutants in accordance with Directive 2008/50/EC leave Member States a certain amount of leeway and risk not achieving the aim of representativeness; calls on the Commission to analyse the impact this leeway has on the comparability of samples and its direct consequences;
12. Calls on the Commission to take into account, in its policies and programmes of cooperation with third countries at its external borders, the cross-border air pollution that originates in those countries and the fact that the EU's policies and programmes of cooperation with those countries can have an impact on improving air quality, and to focus its aid programmes, as a matter of priority, with the aim of tackling the causes of such pollution;
13. Underlines that, according to the WHO, poor air quality affects social and environmental determinants of health such as drinking water and sufficient food;
14. Recalls the link between air pollution and inequality, as exposure is usually higher for more vulnerable segments of society; encourages Member States to make efforts to prevent the accumulation of environmental, socio-demographic and economic disadvantages, including by taking measures to limit pollution at hotspots of vulnerability, which include healthcare, educational and social facilities, and inner cities and towns;
15. Is concerned by the growing body of scientific evidence on the impact of traffic-related air pollution on cognitive development and performance in children as well as in other segments of the population;
16. Recalls that the uniform application and the update of the best available techniques (BAT) for containing the release into the air of atmospheric pollutants are of critical importance for ensuring the maintenance of an adequate level of environmental protection across the EU;

⁽¹⁾ Judgment of 5 April 2017, *Commission v. Bulgaria*, C-488/15, ECLI:EU:C:2017:267.

⁽²⁾ Judgment of 22 February 2018, *Commission v. Poland*, C-336/16, ECLI:EU:C:2018:94.

⁽³⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 175, 7.7.2017, p. 1.

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17. Stresses the importance of ensuring a high and uniform level of consumer protection in the single market vis-à-vis any future emissions scandal, and calls on the co-legislators to develop collective redress procedures on the basis of the 'New Deal for Consumers' proposed by the Commission in April 2018;

Transport

18. Recalls that cutting air pollution and reducing CO₂ emissions from the transport sector are twin challenges in urban areas, that zero-emission and low-emission cars, vans and buses are essential to provide clean, energy-efficient and affordable mobility for all citizens and that accelerating the development of a mass market for these vehicles by scaling up their offer in the Union is crucial for bringing down prices to the benefit of consumers, fleet operators, public procurement authorities and European society as a whole;

19. Underlines that it is crucial to incentivise the market for electric vehicles and to issue Member States with guiding recommendations to encourage them to implement fiscal incentives for zero- and low-emission vehicles; stresses that the availability and accessibility of charging infrastructure, including in private and public buildings in accordance with the Energy Performance of Buildings Directive (EPBD) ⁽¹⁾, and the competitiveness of electric vehicles are essential for increasing consumer acceptance; highlights the importance of ensuring that electricity generated for electric vehicles comes from sustainable energy sources; calls in this connection for a long-term European initiative on next-generation batteries;

20. Recalls the reported positive results of various measures implemented in Member States to reduce access of private cars to urban centres and of investing in public transportation and facilitating access for other forms of transportation such as bicycles;

21. Underlines that the promotion of active transport modes, such as cycling and walking, is of critical importance for improving air quality by reducing the heavy reliance on private motor vehicles in cities and urban areas; considers that active transport modes should therefore be supported by an extensive and high-quality infrastructure, complemented by reliable public transport at city and regional level, and encouraged by spatial planning;

22. Observes, moreover, that, as daily journeys are generally made over very short distances, it is essential to create infrastructure for soft mobility (walking, cycling, etc.) in order to give people an alternative to road transport;

23. Recalls that, if air pollution is to be reduced, it is crucial to incentivise low- and zero- emission trucks and to stimulate the market and their use;

24. Underlines once again the importance of long-term Sustainable Urban Mobility Plans (SUMP) and encourages Member States to draw up SUMP which give priority to zero- and low-emission public transport modes, in order to reduce air pollution, greenhouse gas emissions and energy consumption; supports the establishment of traffic zones and intermodal platforms where priority is given to use by public transport; stresses that clear and easily accessible information on urban and regional vehicle access regulation schemes is needed and calls on the Commission to support the development of a European digital information tool;

25. Calls on the Commission to strengthen the ongoing multi-level cooperation with Member States and European cities in the context of the Urban Agenda for the EU, to finalise its 2018 Urban Mobility Action Plan ⁽²⁾, which should clearly identify solutions for tackling air pollution at municipal level, and to continue supporting the Urban Mobility Observatory (ELTIS) ⁽³⁾, which disseminates useful information on funding opportunities, case studies and best practices on how to improve air quality through the adoption of better urban mobility solutions;

⁽¹⁾ Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings, OJ L 153, 18.6.2010, p. 13.

⁽²⁾ https://ec.europa.eu/futurium/en/system/files/ged/pum_draft_action_plan.pdf

⁽³⁾ <http://www.eltis.org>

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26. Supports the increased use of digital technologies in the implementation of the 'polluter pays' principle, such as e-tolling and e-ticketing based on the environmental performance of vehicles; stresses that a harmonised framework for toll systems should consider both greenhouse gas emissions and pollutant emissions in relation to environmental performance in order to send clear and balanced signals for the development of new vehicles; stresses, however, that these rules must be clear and transparent for road users; underlines the beneficial environmental and safety effects of connected mobility and automated transport solutions in urban areas, such as optimised traffic flows and the reduction of traffic resulting from cars looking for parking spaces; calls on the Commission and the Member States therefore to support cities in adopting the necessary technology;

27. Stresses that green public procurement through the purchasing of zero- and low-emission vehicles by public authorities for their own fleets or for (semi) public car-sharing programmes is a key element for the decarbonisation of road transport, as well as for the improvement of air quality across Europe;

28. Welcomes the pledges made by several cities across Europe on cleaning up their public transport fleets by setting requirements for the procurement of electric buses, and invites more cities to follow the example set by some European members ⁽¹⁾ of the C40 Cities network which have signed the 'Fossil Fuel Free Streets Declaration' ⁽²⁾ agreeing to only procure e-buses from 2025 and to ensure the creation of major urban zero-emission areas by 2030;

29. Stresses that discrepancies between the official type-approval emission figures and the real-world level of NO_x emissions from Euro 3-6 cars are the main cause of the delays in improving air quality in cities and urban areas, seriously undermining local schemes and measures designed to restrict the most polluting vehicles;

30. Notes that technology currently exists to meet the Euro 6 NO_x standards for diesel vehicles, including with regard to real driving conditions and without having a negative impact on CO₂ emissions;

31. Calls on Member States and car manufacturers to coordinate mandatory hardware retrofits for non-compliant diesel vehicles, including selective catalytic reduction (SCR) hardware refits to cut nitrogen dioxide (NO₂) emissions and clean up the existing fleet, in order to avoid diesel car bans; considers that the cost of these retrofits should be borne by the responsible car manufacturer;

32. Calls on the Commission to continue reducing the NO_x emissions of the EU's car fleet by reviewing the conformity factor, as provided for by the second RDE package, annually and in line with technological developments, so as to bring it down to 1 as soon as possible, and by 2021 at the latest;

33. Calls on the Commission to make use of its delegated powers under Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers ⁽³⁾ to update the test procedure so that all Member States have to test the in-service conformity of cars with NO_x emission standards during periodic technical inspections;

34. Calls on the Commission to propose a post-Euro 6 standard for cars that is fuel, technology and application neutral and aligns, as a minimum, with California/US (Tier 3 and LEV III) NO_x standards and in-service conformity and durability requirements;

⁽¹⁾ Paris, London, Barcelona, Heidelberg, Milan, Rome, Rotterdam, Warsaw, Birmingham, Oxford and Manchester (as of 8 October 2018).

⁽²⁾ https://c40-production-images.s3.amazonaws.com/other_uploads/images/1579_3_FFFS_declaration_FINAL.original.pdf?1535129747

⁽³⁾ OJ L 127, 29.4.2014, p. 51.

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35. Calls on the Commission to continue its work on improving the performance of Portable Emission Measurement Systems (PEMS) in order to improve their accuracy and reduce their margin of error; considers that for particulate matter PEMS technology should be able to account for particles whose size is smaller than 23 nanometres and that are the most dangerous to public health;
36. Strongly condemns the experiments that were commissioned by the European Research Group on Environment and Health in the Transport Sector (EUGT) and carried out between 2014 and 2015 on humans and monkeys in an attempt to show that exhaust fumes from diesel engines of new vehicles do not pose a threat to health;
37. Asks the Commission and the Member States to ensure that experiments of this kind, which are ethically abominable and unjustifiable in every respect, will never be repeated in the territory of the Union;
38. Calls on the Commission to consider introducing standards to tackle non-exhaust emissions of vehicles;
39. Calls on the Commission to address emissions from construction site machinery beyond the NRMM Regulation⁽¹⁾ by conducting an impact assessment on the potential of zero-emission construction machinery in cutting air- and noise-pollution levels, and moreover its possible inclusion in future revisions of relevant EU legislation;
40. Believes that emission control areas (ECAs) can help improve air quality in coastal cities and towns hit by high levels of sulphur and nitrogen oxides pollution from shipping; therefore encourages the relevant Member States to engage in the context of the International Maritime Organisation (IMO) with a view to promoting the implementation of ECAs in EU waters, and invites the Commission to support any effort in this regard;

Agriculture

41. Recognises that current food and farming systems are responsible for excessive ammonia (NH₃), nitrous oxide (N₂O) and methane (CH₄) emissions, and that 94 % of ammonia emissions and 40 % of methane emissions come from agricultural activities;
42. Highlights that agriculture is the third biggest source of primary PM₁₀ emissions in the EU, as stressed by the European Environment Agency;
43. Recalls the findings of the European Environment Agency which stated in 2017 that NH₃ emissions from agriculture contribute to episodes of high PM concentrations experienced across Europe each spring, and concludes that NH₃ emissions contribute to both short- and long-term negative health impacts;
44. Highlights that in urban areas ammonia emissions account for around 50 % of the health impacts of air pollution, as ammonia is a key precursor to particulate matter; calls on the Commission and the Member States to use the reform of the EU common agricultural policy (CAP) as an opportunity to fight air pollution from the agricultural sector;
45. Underlines the fact that technical measures to limit ammonia emissions exist, but are so far only used by a few Member States; recalls that these include: nitrogen management, taking into account the full nitrogen cycle; livestock feeding strategies to reduce nitrogen excretion from cattle, pigs and poultry; low-emission application of manure and fertiliser to land; low-emission manure storage systems; low-emission manure processing and composting systems; low-emission animal housing systems; and low-emission approaches for mineral fertiliser application;

⁽¹⁾ Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, OJ L 252, 16.9.2016, p. 53.

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46. Calls on the co-legislators to include in the future CAP, measures to enable farmers to reduce the overall air pollutant emissions of the agricultural sector to the benefit of all citizens in the Union;
47. Underlines that scientific evidence is mounting about the detrimental health and environmental impacts caused by intensive livestock farming, both in Europe and worldwide;
48. Recalls that methane emissions from agriculture are an important precursor to ground-level ozone, which has adverse effects on human health, and that 98 % of the EU's urban population is exposed to ozone levels exceeding WHO guidelines;
49. Highlights that methane emissions are not regulated under EU air pollution legislation and not specifically regulated under EU climate policy;
50. Highlights the various cost-effective ways of addressing methane emissions without affecting meat and milk consumption; considers that manure management offers emissions reduction potential, through the adoption of simple and cost-efficient measures from storage to spreading techniques; further considers that changing feeding strategies (e.g. adding leguminous elements such as alfalfa and flax) would significantly reduce enteric methane emissions; recalls that the material remaining after anaerobic digestion, whereby organic waste material is broken down by micro-organisms and converted into biogas, is rich in nutrients and can be used as a natural fertiliser;
51. Highlights that the costs of air pollution control in Europe are significantly lower in the agricultural sector than in other sectors where more stringent emission controls have already been implemented;
52. Considers that future CAP funding should be linked to mandatory measures to curb air pollution;

Energy

53. Recalls that the energy production and distribution sector is responsible for more than half of sulphur oxide (SO_x) emissions and one fifth of nitrogen oxide (NO_x) emissions in the 33 member countries of the European Environment Agency;
54. Highlights the significant contribution from coal and lignite plants to mercury emissions in the EU and that 62 % of mercury emissions from EU industry come from coal-fired power plants;
55. Recalls that mercury is a dangerous neurotoxin which is damaging to the nervous system at even relatively low levels of exposure;
56. Welcomes the commitments made by at least ten EU Member States to phase out coal; calls on the other Member States to phase out coal as an energy source by 2030 at the latest;
57. Recognises the important role of district heating in reducing emissions and stresses that well-developed district heating installations are one of the key factors that can limit air pollution; encourages Member States without district heating to consider the benefits of introducing such a system;
58. Invites the Commission and the Member States to encourage the uptake of efficient domestic heating solutions based on renewable energy in order to contribute to curbing the release of air pollutants from households across the Union;

Indoor air pollution

59. Underlines the fact that people spend close to 90 % of their time indoors, where the air can be significantly more polluted than outdoors;

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60. Recalls that poor indoor air quality is responsible for 10 % of non-communicable diseases globally and that poor indoor air quality in offices is also linked to reduced productivity; urges the Commission to define harmonised testing standards to measure air pollution in indoor environments;

61. Considers that the compulsory provision of an indoor air quality certificate should apply to all new and renovated buildings in the Union and should take into account existing performance indicators and test methods based on the EN 16798-1 standard as well as WHO indoor air quality guidelines;

62. Urges Member States and the Commission to adopt and implement measures to combat air pollution at the source, taking into account the differences between the sources of indoor and outdoor air pollution;

Air pollution science, monitoring and research

63. Recognises the complexity of and uncertainties inherent to air pollution science, and therefore promotes the use of different forms of knowledge, including citizen science ⁽¹⁾, in air quality monitoring and policy evaluation; stresses the importance of improving public awareness and information by involving citizens in air quality matters;

64. Calls on the Commission and the Member States to support research, development and certification at EU level for innovative smart multi-sensor systems for both indoor and outdoor air quality monitoring; stresses that smart air quality monitoring systems can be a viable tool for citizen science, and also of special benefit for people suffering from asthma and cardiovascular diseases;

65. Calls on the Member States to ensure adequate, representative, accurate and continuous measuring and monitoring of air quality; recalls the importance of the siting of stations used in the main urban agglomerations with air quality problems, bearing in mind that poor siting does not allow for appropriate follow-up to public health risks;

66. Invites Member States to set up independent air quality boards in charge of conducting analyses on air quality performance and assessing the adequacy of the measures adopted; considers that these analyses should be produced at local level on a monthly basis and should be published;

67. Considers that more research is needed on the health effects of smaller particles, including PM₁ and ultrafine particles;

Financial considerations

68. Urges Member States to remove any fiscal incentive, tax preference or budgetary transfer that directly or indirectly favours high-emission means of transport in line with the principle of a level-playing field;

69. Recalls the 'use of revenues' principle with regard to road charging, and calls, where appropriate, for a proportion of revenue from the use of road infrastructure to be dedicated to measures that support improving air quality in cities;

70. Draws attention to the need to support regions affected by the energy transformation, especially mining regions, as these tend to be poor regions often characterised by high levels of harmful substances in the air;

71. Calls for the phasing-out of fossil fuel subsidies;

⁽¹⁾ http://ec.europa.eu/environment/integration/research/newsalert/multimedia/citizen_science_en.htm

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72. Invites Member States to scale up funding for research on the impact of air quality on public health, society and the economy, including an estimate of related externalities, and for research on more comprehensive measurement strategies which could capture air pollution exposure taking into account individuals' time and space trajectories; calls on the Commission and the Member States to provide cities and municipalities with sufficient means to combat air pollution;

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

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Objection to an implementing act: Maximum residue levels for several substances including clothianidin

European Parliament resolution of 13 March 2019 on the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin, cycloxydim, epoxiconazole, flonicamid, haloxyfop, mandestrobin, mepiquat, *Metschnikowia fructicola* strain NRRL Y-27328 and prohexadione in or on certain products (D059754/02 — 2019/2520(RPS))

(2021/C 23/05)

The European Parliament,

- having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ⁽¹⁾,
 - having regard to the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin, cycloxydim, epoxiconazole, flonicamid, haloxyfop, mandestrobin, mepiquat, *Metschnikowia fructicola* strain NRRL Y-27328 and prohexadione in or on certain products (D059754/02,
 - having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC, and in particular Article 5(1) and Article 14(1)(a) thereof ⁽²⁾,
 - having regard to the reasoned opinion of 25 November 2014 of the European Food Safety Authority (EFSA) on the review of the existing maximum residue levels (MRLs) for clothianidin and thiamethoxam according to Article 12 of Regulation (EC) No 396/2005, published on 4 December 2014 ⁽³⁾,
 - having regard to the EFSA reasoned opinion of 30 August 2018 on modification of the existing maximum residue level for clothianidin in potatoes, published on 20 September 2018 ⁽⁴⁾,
 - having regard to the opinion delivered on 27 November 2018 by the Standing Committee on Plants, Animals, Food and Feed,
 - having regard to Article 5a(3)(b) and Article 5a(5) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾,
 - having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
 - having regard to Rule 106(2) and (3), and (4)(c) of its Rules of Procedure,
- A. whereas clothianidin is a neonicotinoid insecticide and a major metabolite of another neonicotinoid, thiamethoxam, that targets a range of insects, including pollinators;

⁽¹⁾ OJ L 309, 24.11.2009, p. 71.

⁽²⁾ OJ L 70, 16.3.2005, p. 1.

⁽³⁾ DOI: 10.2903/j.efsa.2014.3918, EFSA Journal 2014; 12(12):3918.

⁽⁴⁾ DOI: 10.2903/j.efsa.2018.5413, EFSA Journal 2018; 16(9):5413.

⁽⁵⁾ OJ L 184, 17.7.1999, p. 23.

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- B. whereas on 21 September 2017, EFSA adopted an opinion on the toxicity of neonicotinoids;
- C. whereas on 28 February 2018, EFSA published updated risk assessments for three neonicotinoids — clothianidin, imidacloprid and thiamethoxam — confirming that most uses of neonicotinoid pesticides represent a risk to wild bees and honey bees ⁽¹⁾;
- D. whereas clothianidin is one of the three neonicotinoids that are banned in the Union;
- E. whereas several studies suggest that clothianidin has an impact on hepatic and renal metabolism, and has immunotoxic effects on mammals ⁽²⁾;
- F. whereas Article 191(2) of the Treaty on the Functioning of the European Union (TFEU) sets out the precautionary principle as one of the fundamental principles of the Union;
- G. whereas Article 168(1) TFEU states that ‘a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities’;
- H. whereas Directive 2009/128/EC aims to achieve a sustainable use of pesticides in the Union by reducing the risks and impacts of pesticide use on human and animal health and the environment and by promoting the use of integrated pest management and of alternative approaches or techniques, such as non-chemical alternatives to pesticides;
- I. whereas the draft Commission regulation, on the basis of applications for import tolerances submitted for clothianidin used on potatoes in the United States, considers that higher MRLs are necessary to avoid trade barriers to the importation of such crops;
- J. whereas the Commission’s proposal to increase the MRLs for clothianidin raised doubts, on the basis of the precautionary principle, given the data gaps and persistent uncertainty as to the effects of clothianidin on public health, young mammals and the environment;
- K. whereas EFSA states, in relation to the request to raise the MRLs, that Member States have to amend or withdraw existing authorisations for plant protection products containing clothianidin as an active substance under Commission Implementing Regulation (EU) 2018/784 ⁽³⁾ by 19 September 2018 at the latest; whereas such restrictions to the clothianidin conditions of approval are not relevant as the MRL application concerns an imported crop;
- L. whereas in its opinion of 30 August 2018, EFSA notes that: ‘In accordance with Article 6 of Regulation (EC) No 396/2005, Bayer CropScience AG submitted an application to the competent national authority in Germany (evaluating Member State (EMS)) to set an import tolerance for the active substance clothianidin in potatoes imported from Canada. The EMS drafted an evaluation report in accordance with Article 8 of Regulation (EC) No 396/2005, which was submitted to the European Commission and forwarded to the European Food Safety Authority (EFSA) on 26 April 2018. The EMS proposed to set an import tolerance for potatoes imported from Canada at the level of 0,3 mg/kg’;
- M. whereas the conclusions drawn by EFSA in its opinion of 30 August 2018 justify the clothianidin MRL increase only on the basis of the need to comply with Canadian normative values, and totally omit to analyse the cumulative environmental impact of neonicotinoids and their use;

⁽¹⁾ DOI: 10.2903/sp.efsa.2018.EN-1378.

⁽²⁾ Bal R. et al., ‘Effects of clothianidin exposure on sperm quality, testicular apoptosis and fatty acid composition in developing male rats’, *Cell Biol Toxicol*, Vol. 28, No 3, 2012, pp. 187-200; Tokumoto J. et al., ‘Effects of exposure to clothianidin on the reproductive system of male quails’, *J. Vet. Med. Sci.*, Vol. 75, No 6, 2013, pp. 755-760; Wang Y. et al., ‘Metabolism distribution and effect of thiamethoxam after oral exposure in Mongolian racerunner (*Eremias argus*)’, *J. Agric. Food Chem.*, Vol. 66, No 28, 2018, pp. 7376-7383; Wang X. et al., ‘Mechanism of neonicotinoid toxicity: Impact on oxidative stress and metabolism’, *Annu. Rev. Pharmacol. Toxicol.*, Vol. 58, No 1, 2018, pp. 471-507.

⁽³⁾ Commission Implementing Regulation (EU) 2018/784 of 29 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance clothianidin (OJ L 132, 30.5.2018, p. 35).

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- N. whereas EFSA's conclusions were formulated on the basis of theoretical considerations, particularly as regards the estimate of the maximum daily intake in relation to short-term risk; whereas the theoretical nature of some aspects of EFSA's analysis raises doubts as to its ability to rely on empirical facts and, as a consequence, to represent reality in its results;
- O. whereas EFSA concluded that an increase in the MRLs of clothianidin was 'unlikely' to pose a risk to consumer health; whereas, however, this verdict involves a degree of probability and therefore leaves some doubt as to the effective safety of the new MRL values;
1. Opposes adoption of the draft Commission regulation;
 2. Considers that the draft Commission regulation exceeds the implementing powers provided for in Regulation (EC) No 396/2005;
 3. Considers that the draft Commission regulation is not compatible with the aim and content of Regulation (EC) No 396/2005;
 4. Notes that under the draft regulation, the existing MRL of clothianidin would increase from 0,03 to 0,3 mg/kg;
 5. Suggests that the MRL of clothianidin should remain at 0,03 mg/kg;
 6. Considers that the decision to register clothianidin cannot be justified, as there is insufficient evidence to suggest that unacceptable risks to animals, food safety and pollinators will be prevented;
 7. Notes that even if the procedure followed the existing Directive 2009/128/EC on pesticides, the fact that the German applicant company chose as an evaluating Member State the German competent national authority echoes concerns about the pesticide evaluation process raised by several stakeholders, as mentioned in recitals AJ and AK of Parliament's resolution of 16 January 2019 on the Union's authorisation procedure for pesticides ⁽¹⁾;
 8. Recalls that the use of clothianidin as a pesticide affects pollinators on a global scale ⁽²⁾;
 9. Considers that EFSA's opinion did not take into account the cumulative risk to human health and bees; believes that effects on pollinators and the environment should be taken into account when evaluating MRLs; calls on the Member States and on EFSA to exercise greater vigilance towards the health of the public and pollinators when evaluating applications for MRLs;
 10. Calls on the Commission to withdraw the draft Commission regulation;
 11. Calls on the Commission to submit a new act, on the basis of the TFEU, that respects the precautionary principle;
 12. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

⁽¹⁾ Texts adopted, P8_TA(2019)0023

⁽²⁾ El Hassani, A. K., Dacher, M., Gary, V., Lambin, M., Gauthier, M. and Armengaud, C., 'Effets sublétaux de l'Acétamipride et du Thiamethoxam sur le comportement de l'abeille (*Apis mellifera*)', 23 May 2014, https://www.researchgate.net/publication/255636607_Effets_sublétaux_de_l%27Acetamipride_et_du_Thiamethoxam_sur_le_comportement_de_l%27abeille_Apis_mellifera

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P8_TA(2019)0196

Genetically modified maize 4114 (DP-ØØ4114-3)

European Parliament resolution of 13 March 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 4114 (DP-ØØ4114-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060242/03 — 2019/2551(RSP))

(2021/C 23/06)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 4114 (DP-ØØ4114-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060242/03,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 14 January 2019, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 19 April 2018, published on 24 May 2018 and amended on 5 July 2018 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion on the assessment of genetically modified maize 4114 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2014-123), EFSA Journal 2018; 16(5):5280, p. 25 <https://doi.org/10.2903/j.efsa.2018.5280>

⁽⁴⁾ — Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).

— Resolution of 16 December 2015 on Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).

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- Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).
 - Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (OJ C 86, 6.3.2018, p. 108).
 - Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (OJ C 86, 6.3.2018, p. 111).
 - Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (OJ C 215, 19.6.2018, p. 76).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (OJ C 215, 19.6.2018, p. 80).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (OJ C 215, 19.6.2018, p. 70).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (OJ C 215, 19.6.2018, p. 73).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (OJ C 215, 19.6.2018, p. 83).
 - Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 298, 23.8.2018, p. 34).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 307, 30.8.2018, p. 71).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 307, 30.8.2018, p. 67).
 - Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 337, 20.9.2018, p. 54).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 55).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 60).
 - Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 122).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 127).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapeseeds MON 88302 × Ms8 × Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 133).
 - Resolution of 1 March 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0051).

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

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

A. whereas, on 27 November 2014, Pioneer Overseas Corporation, on behalf of Pioneer Hi-Bred International Inc., established in the United States of America, submitted to the national competent authority of the Netherlands an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 ('the application'), for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified (GM) maize 4114, and the application also covered the placing on the market of products containing or consisting of GM maize 4114 for uses other than food and feed, with the exception of cultivation;

B. whereas, on 19 April 2018, EFSA adopted a favourable opinion in relation to the application;

C. whereas GM maize 4114 was developed to express three insecticidal proteins (Cry1F, Cry34Ab1 and Cry35Ab1) for protection against specific lepidopteran and coleopteran pests, and the PAT protein conferring tolerance to the herbicidal active ingredient glufosinate-ammonium;

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- Resolution of 1 March 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89034-3 × MON-ØØ6Ø3-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603, and repealing Decision 2010/420/EU (Texts adopted, P8_TA(2018)0052).
 - Resolution of 3 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0197).
 - Resolution of 30 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize GA21 (MON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0221).
 - Resolution of 30 May 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 × 59122 × MON 810 × NK603, and genetically modified maize combining two or three of the single events 1507, 59122, MON 810 and NK603, and repealing Decisions 2009/815/EC, 2010/428/EU and 2010/432/EU pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0222).
 - Resolution of 24 October 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × MON 810 (MON-ØØ6Ø3-6 × MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2018)0416).
 - Resolution of 24 October 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × 1507 × MON 88017 × 59122, and genetically modified maize combining two, three or four of the single events MON 87427, MON 89034, 1507, MON 88017 and 59122 and repealing Decision 2011/366/EU (Texts adopted, P8_TA(2018)0417).
 - Resolution of 31 January 2019 on the draft Commission implementing decision amending Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of genetically modified oilseed rapes Ms8, Rf3 and Ms8 × Rf3 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0057).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 5307 (SYN-Ø53Ø7-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2019)0058).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87403 (MON-874Ø3-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0059).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × LLCotton25 × MON 15985 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0060).

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Residues and components of the complementary herbicides

- D. whereas application of the complementary herbicides, in this case glufosinate, is part of regular agricultural practice in the cultivation of herbicide-resistant plants, and it can therefore be expected that they will be exposed to both higher and repeated doses, which will not only lead to a higher burden of residues in the harvest, and therefore in the imported product, but may also influence the composition of the GM plant and its agronomic characteristics;
- E. whereas the use of glufosinate has not been permitted in the Union since 1 August 2018, as it has been classified as toxic to reproduction and thus falls under the cut-off criteria set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽¹⁾;
- F. whereas information on residue levels of herbicides and their metabolites is essential for a thorough risk assessment of herbicide-tolerant GM plants; whereas residues from spraying with herbicides are considered outside the remit of the EFSA Panel on Genetically Modified Organisms (EFSA GMO Panel); whereas the impact of spraying GM maize with herbicides has not been assessed;
- G. whereas, as part of the coordinated multiannual control programme of the Union for 2019, 2020 and 2021, Member States are not obliged to measure glufosinate residues on any maize imports in order to ensure compliance with maximum residue levels (MRLs) ⁽²⁾; whereas it cannot be guaranteed that glufosinate residues on GM maize 4114 will comply with Union MRLs;

Bt toxins

- H. whereas GM maize 4114 expresses three Bt toxins (the Cry1F, Cry34Ab1 and Cry35Ab1 proteins) which confer protection against certain lepidopteran pests and coleopteran pests;
- I. whereas although Cry1 proteins have been recognised as having adjuvant properties, meaning that they may reinforce the allergenic properties of other foodstuffs, this was not analysed by EFSA; whereas that is problematic because Bt toxins may be mixed with allergens in food and feed such as soybeans;
- J. whereas a 2017 scientific study on the possible health impacts of Bt toxins and residues from spraying with complementary herbicides concludes that specific attention should be paid to the herbicide residues and their interaction with Bt toxins ⁽³⁾; whereas this was not investigated by EFSA;

Lack of democratic legitimacy

- K. whereas the vote on 14 January 2019 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- L. whereas, both in the explanatory memorandum of its legislative proposal presented on 22 April 2015 amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory and in the explanatory memorandum of the legislative proposal presented on 14 February 2017 amending Regulation (EU) No 182/2011, the Commission deplored the fact that, since

⁽¹⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 (OJ L 92, 10.4.2018, p. 6).

⁽³⁾ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5236067/>

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the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the opinion of the Member States' committee and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas that practice has, on several occasions, been deplored by President Juncker as not being democratic ⁽¹⁾;

M. whereas, on 28 October 2015, Parliament rejected at first reading ⁽²⁾ the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 and called on the Commission to withdraw it and submit a new one;

1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;

2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽³⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to genetically modified food and feed, while ensuring the effective functioning of the internal market;

3. Calls on the Commission to withdraw its draft implementing decision;

4. Calls on the Commission not to authorise the import, for food or feed uses, of any GM plants which have been made tolerant to a herbicide that is not authorised for use in the Union, in this case glufosinate;

5. Calls on the Commission not to authorise any herbicide-tolerant GM plants without a full assessment of the residues from spraying with complementary herbicides, metabolites and commercial formulations as applied in the countries of cultivation;

6. Calls on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or is for import into the Union for food and feed uses;

7. Reiterates its commitment to advancing work on the Commission proposal amending Regulation (EU) No 182/2011; calls on the Council to move forward with its work in relation to that Commission proposal as a matter of urgency;

8. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of genetically modified organisms (GMOs) until the authorisation procedure has been revised in such a way as to address the shortcomings of the current procedure, which has proven inadequate;

⁽¹⁾ See, for example, the Opening Statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or the 2016 State of the Union Address (Strasbourg, 14 September 2016).

⁽²⁾ OJ C 355, 20.10.2017, p. 165.

⁽³⁾ OJ L 31, 1.2.2002, p. 1.

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9. Calls on the Commission to withdraw proposals for GMO authorisations if no opinion is delivered by the Standing Committee on the Food Chain and Animal Health, whether for cultivation or for food and feed uses;
 10. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P8_TA(2019)0197

Genetically modified maize MON 87411 (MON-87411-9)

European Parliament resolution of 13 March 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87411 (MON-87411-9), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060243/03 — 2019/2552(RSP))

(2021/C 23/07)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87411 (MON-87411-9), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060243/03,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 14 January 2019, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 31 May 2018, and published on 28 June 2018 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific opinion on the assessment of genetically modified maize MON 87411 for food and feed uses, import and processing, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2015-124), EFSA Journal 2018; 16(6):5310, p. 29, <https://doi.org/10.2903/j.efsa.2018.5310>

⁽⁴⁾ — Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays L.*, line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).

— Resolution of 16 December 2015 on Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).

— Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (OJ C 86, 6.3.2018, p. 108).

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- Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus L.*, line SHD-27531-4) (OJ C 86, 6.3.2018, p. 111).
 - Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (OJ C 215, 19.6.2018, p. 76).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (OJ C 215, 19.6.2018, p. 80).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (OJ C 215, 19.6.2018, p. 70).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (OJ C 215, 19.6.2018, p. 73).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (OJ C 215, 19.6.2018, p. 83).
 - Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 298, 23.8.2018, p. 34).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 307, 30.8.2018, p. 71).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 307, 30.8.2018, p. 67).
 - Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 337, 20.9.2018, p. 54).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 55).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 60).
 - Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 122).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 127).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapeseeds MON 88302 × Ms8 × Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 133).
 - Resolution of 1 March 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0051).
 - Resolution of 1 March 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89Ø34-3 × MON-ØØ6Ø3-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603, and repealing Decision 2010/420/EU (Texts adopted, P8_TA(2018)0052).
 - Resolution of 3 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0197).

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

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

- A. whereas, on 5 February 2015, Monsanto Europe N.V. submitted, on behalf of the Monsanto Company, United States, an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from maize MON 87411 ('the application') to the national competent authority of the Netherlands, and the application also covered the placing on the market of products consisting of genetically modified (GM) maize MON 87411 for uses other than food and feed as with any other maize, with the exception of cultivation;

- B. whereas, on 31 May 2018, EFSA adopted a favourable opinion in relation to this application;

- C. whereas GM maize MON 87411 was developed to confer resistance to corn rootworms by the expression of a modified version of the Bt Cry3Bb1 gene and a DvSnf7 dsRNA expression cassette, and tolerance to glyphosate-containing herbicides;

- D. whereas, owing to the resistance of corn rootworms to Bt proteins including Cry3Bb1 in some growing regions of the United States, GM maize MON 87411 has been engineered to also produce an insecticidal double-stranded RNA, dsRNA;

- E. whereas the intended effect of the dsRNA is that it is taken up in the gut of the target organism, in this case larvae of the corn rootworm, interfering with gene regulation of essential biological processes, thereby killing the rootworm;

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- Resolution of 30 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize GA21 (MON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0221).
 - Resolution of 30 May 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 × 59122 × MON 810 × NK603, and genetically modified maize combining two or three of the single events 1507, 59122, MON 810 and NK603, and repealing Decisions 2009/815/EC, 2010/428/EU and 2010/432/EU pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0222).
 - Resolution of 24 October 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × MON 810 (MON-ØØ6Ø3-6 × MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2018)0416).
 - Resolution of 24 October 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × 1507 × MON 88017 × 59122, and genetically modified maize combining two, three or four of the single events MON 87427, MON 89034, 1507, MON 88017 and 59122 and repealing Decision 2011/366/EU (Texts adopted, P8_TA(2018)0417).
 - Resolution of 31 January 2019 on the draft Commission implementing decision amending Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of genetically modified oilseed rapes Ms8, Rf3 and Ms8 × Rf3 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0057).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 5307 (SYN-Ø53Ø7-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2019)0058).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87403 (MON-874Ø3-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0059).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × LLCotton25 × MON 15985 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0060).

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- F. whereas Commission Implementing Regulation (EU) No 503/2013 ⁽¹⁾ stipulates that when silencing approaches with RNAi are used in genetically engineered plants, a bioinformatics analysis is required in order to identify potential 'off target' genes; whereas, in this context, a thorough analysis requires the structure of the dsRNA to be compared with genomic regions in organisms that might come into contact with the molecules, including non-target organisms;
- G. whereas, however, EFSA restricted its considerations and risk assessment to potential off-target effects in plants, without looking at effects in humans and livestock and their gut microbiomes that are exposed to maize via the food and feed chain; whereas an assessment of the EFSA opinion by an independent institute describes this as a perfect example of a 'don't look, don't find' strategy, incompatible with existing regulation ⁽²⁾;
- H. whereas the assessment concludes that for, *inter alia*, the reason mentioned above, EFSA's risk assessment of molecular characteristics is not conclusive and is not sufficient to show food and feed safety;
- I. whereas the 90-day toxicity study submitted by the applicant showed statistically significant weight depression of rats fed with GM maize MON 87411; whereas while this finding was dismissed by EFSA because it was not accompanied by test diet-related clinical signs and histopathological changes in the digestive tract, it is plausible that the dsRNA produced in GM maize MON 87411 can interact with the gut microbiome directly without direct uptake from the gut, and that this could explain the findings from animal feeding studies showing weight differences without pathological effects; whereas this should have been further investigated by EFSA;

Lack of assessment and controls of complementary herbicides and their residues

- J. whereas application of the complementary herbicides, in this case glyphosate, is part of regular agricultural practice in the cultivation of herbicide-resistant plants, and it can therefore be expected that they will be exposed to both higher and repeated doses, which will not only lead to a higher burden of residues in the harvest, and therefore in the imported product, but may also influence the composition of the GM plant and its agronomic characteristics;
- K. whereas questions remain concerning the carcinogenicity of glyphosate; whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the World Health Organisation's International Agency for Research on Cancer classified glyphosate as a probable carcinogen for humans;
- L. whereas, in general, according to the EFSA Panel on Plant Protection Products and their Residues, conclusions on the safety of residues from spraying GM crops with glyphosate formations cannot be drawn ⁽³⁾; whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone ⁽⁴⁾;
- M. whereas the Union has already removed a glyphosate additive known as POE-tallowamine from the market owing to concerns over its toxicity; whereas problematic additives and mixtures may, however, still be permitted in the countries where this GM maize is cultivated (currently Argentina, Brazil, Canada and the United States);

⁽¹⁾ Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 (OJ L 157, 8.6.2013, p. 1).

⁽²⁾ [https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_Maize%20 Mon87411.pdf](https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_Maize%20Mon87411.pdf)

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

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

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- N. whereas information on residue levels of herbicides and their metabolites is essential for a thorough risk assessment of herbicide-tolerant GM plants; whereas residues from spraying with herbicides are considered outside the remit of the EFSA Panel on Genetically Modified Organisms; whereas the impact of spraying GM maize MON 87411 with herbicides has not been assessed;
- O. whereas, as part of the coordinated multiannual control programme of the Union for 2019, 2020 and 2021, Member States are not obliged to measure glyphosate residues on any maize imports in order to check compliance with maximum residue levels (MRLs) ⁽¹⁾; whereas it cannot be guaranteed that glyphosate residues on GM maize MON 87411 will comply with Union MRLs;

Lack of democratic legitimacy

- P. whereas the vote on 14 January 2019 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- Q. whereas, both in the explanatory memorandum of its legislative proposal presented on 22 April 2015 amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory and in the explanatory memorandum of the legislative proposal presented on 14 February 2017 amending Regulation (EU) No 182/2011, the Commission deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the opinion of the Member States' committee and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas that practice has, on several occasions, been deplored by President Juncker as not being democratic ⁽²⁾;
- R. whereas, on 28 October 2015, Parliament rejected at first reading ⁽³⁾ the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 and called on the Commission to withdraw it and submit a new one;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
 2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests in relation to genetically modified food and feed, while ensuring the effective functioning of the internal market;
 3. Calls on the Commission to withdraw its draft implementing decision;
 4. Calls on the Commission not to authorise any herbicide-tolerant GM plants without a full assessment of the residues from spraying with complementary herbicides, metabolites and commercial formulations as applied in the countries of cultivation;
 5. Calls on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or is for import into the Union for food and feed uses;
 6. Reiterates its commitment to advancing work on the Commission proposal amending Regulation (EU) No 182/2011; calls on the Council to move forward with its work in relation to that Commission proposal as a matter of urgency;

⁽¹⁾ OJ L 92, 10.4.2018, p. 6.

⁽²⁾ See, for example, the Opening Statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or the 2016 State of the Union Address (Strasbourg, 14 September 2016).

⁽³⁾ OJ C 355, 20.10.2017, p. 165.

⁽⁴⁾ OJ L 31, 1.2.2002, p. 1.

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7. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of genetically modified organisms (GMOs) until the authorisation procedure has been revised in such a way as to address the shortcomings of the current procedure, which has proven inadequate;
 8. Calls on the Commission to withdraw proposals for GMO authorisations if no opinion is delivered by the Standing Committee on the Food Chain and Animal Health, whether for cultivation or for food and feed uses;
 9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P8_TA(2019)0198

Genetically modified maize Bt11 × MIR162 × 1507 × GA21 and sub-combinations Bt11 × MIR162 × 1507, MIR162 × 1507 × GA21 and MIR162 × 1507

European Parliament resolution of 13 March 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × 1507 × GA21 and sub-combinations Bt11 × MIR162 × 1507, MIR162 × 1507 × GA21 and MIR162 × 1507 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060244/03 — 2019/2553(RSP))

(2021/C 23/08)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × 1507 × GA21 and sub-combinations Bt11 × MIR162 × 1507, MIR162 × 1507 × GA21 and MIR162 × 1507 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D060244/03,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003, on 14 January 2019, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 31 May 2018, and published on 11 July 2018 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion on the assessment of genetically modified maize Bt11 × MIR162 × 1507 × GA21 and three subcombinations independently of their origin, for food and feed uses under Regulation (EC) No 1829/2003 (application EFSA-GMO-DE-2010-86), EFSA Journal 2018; 16(7):5309, <https://doi.org/10.2903/j.efsa.2018.5309>

⁽⁴⁾ Resolution of 16 January 2014 on the proposal for a Council decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (OJ C 482, 23.12.2016, p. 110).

— Resolution of 16 December 2015 on Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (OJ C 399, 24.11.2017, p. 71).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87705 × MON 89788 (OJ C 35, 31.1.2018, p. 19).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean MON 87708 × MON 89788 (OJ C 35, 31.1.2018, p. 17).

— Resolution of 3 February 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 (MST-FGØ72-2) (OJ C 35, 31.1.2018, p. 15).

— Resolution of 8 June 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combining two or three of those events (OJ C 86, 6.3.2018, p. 108).

— Resolution of 8 June 2016 on the draft Commission implementing decision as regards the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line SHD-27531-4) (OJ C 86, 6.3.2018, p. 111).

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- Resolution of 6 October 2016 on the draft Commission implementing decision renewing the authorisation for the placing on the market for cultivation of genetically modified maize MON 810 seeds (OJ C 215, 19.6.2018, p. 76).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of genetically modified maize MON 810 products (OJ C 215, 19.6.2018, p. 80).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize Bt11 seeds (OJ C 215, 19.6.2018, p. 70).
 - Resolution of 6 October 2016 on the draft Commission implementing decision concerning the placing on the market for cultivation of genetically modified maize 1507 seeds (OJ C 215, 19.6.2018, p. 73).
 - Resolution of 6 October 2016 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton 281-24-236 × 3006-210-23 × MON 88913 (OJ C 215, 19.6.2018, p. 83).
 - Resolution of 5 April 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × 59122 × MIR604 × 1507 × GA21, and genetically modified maize combining two, three or four of the events Bt11, 59122, MIR604, 1507 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 298, 23.8.2018, p. 34).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize DAS-40278-9, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 307, 30.8.2018, p. 71).
 - Resolution of 17 May 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB119 (BCS-GHØØ5-8) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (OJ C 307, 30.8.2018, p. 67).
 - Resolution of 13 September 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-68416-4, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 337, 20.9.2018, p. 54).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean FG72 × A5547-127 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 55).
 - Resolution of 4 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 60).
 - Resolution of 24 October 2017 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 (DAS-Ø15Ø7-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 122).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified soybean 305423 × 40-3-2 (DP-3Ø5423-1 × MON-Ø4Ø32-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 127).
 - Resolution of 24 October 2017 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified oilseed rapeseeds MON 88302 × Ms8 × Rf3 (MON-883Ø2-9 × ACSBNØØ5-8 × ACS-BNØØ3-6), MON 88302 × Ms8 (MON-883Ø2-9 × ACSBNØØ5-8) and MON 88302 × Rf3 (MON-883Ø2-9 × ACS-BNØØ3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ C 346, 27.9.2018, p. 133).
 - Resolution of 1 March 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122 (DAS-59122-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0051).
 - Resolution of 1 March 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 × MON 89034 × NK603 (MON-87427-7 × MON-89Ø34-3 × MON-ØØ6Ø3-6) and genetically modified maize combining two of the events MON 87427, MON 89034 and NK603, and repealing Decision 2010/420/EU (Texts adopted, P8_TA(2018)0052).
 - Resolution of 3 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of food and feed produced from genetically modified sugar beet H7-1 (KM-ØØØH71-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0197).

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

 - having regard to Rule 106(2) and (3) of its Rules of Procedure,
- A. whereas, on 10 August 2010, Syngenta Crop Protection AG submitted, through its affiliated company Syngenta Crop Protection NV/SA, an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified (GM) maize Bt11 × MIR162 × 1507 × GA21 (‘the application’) to the national competent authority of Germany, and the application also covered the placing on the market of products containing or consisting of GM maize Bt11 × MIR162 × 1507 × GA21 for uses other than food and feed, with the exception of cultivation;
- B. whereas the scope of the application, which included all sub-combinations of GM maize Bt11 × MIR162 × 1507 × GA21 at the time of submission, was subsequently limited to include the three sub-combinations Bt11 × MIR162 × 1507 × GA21 and MIR162 × 1507, independently of their origin, for food and feed uses, import and processing;
- C. whereas the four-event stack maize Bt11 × MIR162 × 1507 × GA21 was produced by conventional crossing to combine four single maize events leading to expression of, *inter alia*, two different Cry proteins (also known as Bt proteins) for protection against certain lepidopteran pests, and expressions of proteins for tolerance against glyphosate and glufosinate;
- D. whereas EFSA adopted a favourable opinion in relation to this application; whereas, however, a minority opinion was expressed by a member of the EFSA Panel on Genetically Modified Organisms (EFSA GMO Panel);

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- Resolution of 30 May 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of, or produced from genetically modified maize GA21 (MON-ØØØ21-9) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0221).
 - Resolution of 30 May 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 1507 × 59122 × MON 810 × NK603, and genetically modified maize combining two or three of the single events 1507, 59122, MON 810 and NK603, and repealing Decisions 2009/815/EC, 2010/428/EU and 2010/432/EU pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2018)0222).
 - Resolution of 24 October 2018 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize NK603 × MON 810 (MON-ØØ6Ø3-6 × MON-ØØ81Ø-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2018)0416).
 - Resolution of 24 October 2018 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × 1507 × MON 88017 × 59122, and genetically modified maize combining two, three or four of the single events MON 87427, MON 89034, 1507, MON 88017 and 59122 and repealing Decision 2011/366/EU (Texts adopted, P8_TA(2018)0417).
 - Resolution of 31 January 2019 on the draft Commission implementing decision amending Implementing Decision 2013/327/EU as regards the renewal of the authorisation to place on the market feed containing or consisting of genetically modified oilseed rapes Ms8, Rf3 and Ms8 × Rf3 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0057).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 5307 (SYN-Ø53Ø7-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (Texts adopted, P8_TA(2019)0058).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87403 (MON-874Ø3-1), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0059).
 - Resolution of 31 January 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × LLCotton25 × MON 15985 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P8_TA(2019)0060).

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Lack of data on the three sub-combinations

- E. whereas the applicant did not provide data for any of the three sub-combinations, nor did they justify why they do not consider it to be necessary for the risk assessment; whereas EFSA did not request data on the three sub-combinations; whereas it is not known whether those sub-combinations have even been produced yet;

EFSA minority opinion

- F. whereas the minority opinion adopted by a member of the EFSA GMO Panel states that it is unacceptable that 'assessments' of GM crops (i.e. the three sub-combinations) for which no data has been provided are given the same weight and reliability as assessments of GM crops for which data has been provided and assessed;
- G. whereas, as stated in the minority opinion, studies show that side effects have been observed that may affect the immune system following certain conditions of exposure to Bt proteins and that some Bt proteins may have adjuvant properties, meaning that they can increase the allergenicity of other proteins that they come into contact with;
- H. whereas the minority opinion finds that while unintended effects have never been identified in any application where Bt proteins are expressed, they could 'not be observed by the toxicological studies [...] currently recommended and performed for the safety assessment of GM plants at EFSA because they do not include the appropriate tests for this purpose' ⁽¹⁾;
- I. whereas the minority opinion also states that, owing to a lack of data on the three sub-combinations, 'the risk of increased expression of the newly expressed Bt proteins and of a possible cumulative effect of their combination on the immune system (e.g. resulting in an adjuvant activity) cannot be ruled out', and that it is not possible to clarify the role of genetically modified organisms (GMOs) in increasing allergenic risk, nor therefore to fully protect consumers who may be at risk;

Lack of assessment and controls of complementary herbicides and their residues

- J. whereas application of the complementary herbicides, in this case glufosinate and glyphosate, is part of regular agricultural practice in the cultivation of herbicide-resistant plants, and it can therefore be expected that they will be exposed to both higher and repeated doses, which will not only lead to a higher burden of residues in the harvest, and therefore in the imported product, but may also influence the composition of the GM plant and its agronomic characteristics;
- K. whereas the use of glufosinate is not permitted in the Union, as it has been classified as toxic to reproduction and thus falls under the cut-off criteria set out in Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽²⁾;
- L. whereas questions remain concerning the carcinogenicity of glyphosate; whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency (ECHA) concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015 the World Health Organisation's International Agency for Research on Cancer classified glyphosate as a probable carcinogen for humans;

⁽¹⁾ <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2018.5309>, p. 34.

⁽²⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

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- M. whereas, in general, according to the EFSA Panel on Plant Protection Products and their Residues, conclusions on the safety of residues from spraying GM crops with glyphosate formations cannot be drawn ⁽¹⁾; whereas additives and their mixtures used in commercial formulations for spraying glyphosate can show a higher toxicity than the active ingredient alone ⁽²⁾;
- N. whereas the Union has already removed a glyphosate additive known as POE-tallowamine from the market owing to concerns over its toxicity; whereas problematic additives and mixtures may, however, still be permitted in the countries where this GM maize is cultivated (currently Argentina, Canada and Japan);
- O. whereas information on residue levels of herbicides and their metabolites is essential for a thorough risk assessment of herbicide-tolerant GM plants; whereas residues from spraying with herbicides are considered outside the remit of the EFSA GMO Panel; whereas the residues from spraying GM maize Bt11 × MIR162 × 1507 × GA21 or the three sub-combinations with herbicides have not been assessed;
- P. whereas, furthermore, metabolites of complementary herbicides occurring on stacked plants may differ from those on the parental plant, which EFSA did not consider in its assessment;
- Q. whereas, according to an independent study ⁽³⁾, EFSA should have requested that the applicant submit data from field trials with the highest dosage of herbicides that can be tolerated by the plants; whereas material from those plants should have been assessed with regard to organ toxicity, immune system reactions and reproductive toxicity, also taking into account combinatorial effects with other plant compounds and Bt toxins;
- R. whereas, as part of the coordinated multiannual control programme of the Union for 2019, 2020 and 2021, Member States are not obliged to measure glufosinate or glyphosate residues on any maize imports in order to check compliance with maximum residue levels (MRLs) ⁽⁴⁾; whereas it cannot be guaranteed that glyphosate and glufosinate residues on GM maize Bt11 × MIR162 × 1507 × GA21 or the three sub-combinations will comply with Union MRLs;

Lack of democratic legitimacy

- S. whereas the vote on 14 January 2019 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- T. whereas, both in the explanatory memorandum of its legislative proposal presented on 22 April 2015 amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory and in the explanatory memorandum of the legislative proposal presented on 14 February 2017 amending Regulation (EU) No 182/2011, the Commission deplored the fact that, since the entry into force of Regulation (EC) No 1829/2003, authorisation decisions have been adopted by the Commission without the support of the opinion of the Member States' committee and that the return of the dossier to the Commission for final decision, which is very much the exception for the procedure as a whole, has become the norm for decision-making on genetically modified food and feed authorisations; whereas that practice has, on several occasions, been deplored by President Juncker as not being democratic ⁽⁵⁾;

⁽¹⁾ EFSA conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA Journal 2015; 13 (11):4302, <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2015.4302/epdf>

⁽²⁾ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3955666>

⁽³⁾ https://www.testbiotech.org/sites/default/files/Testbiotech_Comment_Maize%20Bt11xMIR162x1507xGA21_fin.pdf, p. 6.

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 (OJ L 92, 10.4.2018, p. 6).

⁽⁵⁾ See, for example, the Opening Statement at the European Parliament plenary session included in the political guidelines for the next European Commission (Strasbourg, 15 July 2014) or the 2016 State of the Union Address (Strasbourg, 14 September 2016).

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U. whereas, on 28 October 2015, Parliament rejected at first reading ⁽¹⁾ the legislative proposal of 22 April 2015 amending Regulation (EC) No 1829/2003 and called on the Commission to withdraw it and submit a new one;

1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to genetically modified food and feed, while ensuring the effective functioning of the internal market;
3. Calls on the Commission to withdraw its draft implementing decision;
4. Calls on the Commission not to authorise the import, for food or feed uses, of any GM plants which have been made tolerant to a herbicide that is not authorised for use in the Union, in this case glufosinate;
5. Calls on the Commission not to authorise any herbicide-tolerant GM plants without a full assessment of the residues from spraying with complementary herbicides, metabolites and commercial formulations as applied in the countries of cultivation;
6. Calls on the Commission to fully integrate the risk assessment of the application of complementary herbicides and their residues into the risk assessment of herbicide-tolerant GM plants, regardless of whether the GM plant concerned is to be cultivated in the Union or is for import into the Union for food and feed uses;
7. Calls on the Commission not to authorise any sub-combinations of stacked events unless they have been thoroughly evaluated by EFSA on the basis of complete data submitted by the applicant;
8. Calls on EFSA to further develop and systematically use methods that permit the identification of unintended effects of stacked GM events which are known and expected, such as in relation to the adjuvant properties of Bt toxins;
9. Reiterates its commitment to advancing work on the Commission proposal amending Regulation (EU) No 182/2011; calls on the Council to move forward with its work in relation to that Commission proposal as a matter of urgency;
10. Calls on the Commission to suspend any implementing decision regarding applications for authorisation of GMOs until the authorisation procedure has been revised in such a way as to address the shortcomings of the current procedure, which has proven inadequate;
11. Calls on the Commission to withdraw proposals for GMO authorisations if no opinion is delivered by the Standing Committee on the Food Chain and Animal Health, whether for cultivation or for food and feed uses;
12. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

⁽¹⁾ OJ C 355, 20.10.2017, p. 165.

⁽²⁾ OJ L 31, 1.2.2002, p. 1.

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P8_TA(2019)0199

Active substances, including thiacloprid

European Parliament resolution of 13 March 2019 on the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) Strain QST 713, *Bacillus thuringiensis* subsp. *Aizawai*, *Bacillus thuringiensis* subsp. *israeliensis*, *Bacillus thuringiensis* subsp. *kurstaki*, *Beauveria bassiana*, benfluralin, clodinafop, clopyralid, *Cydia pomonella* Granulovirus (CpGV), cyprodinil, dichlorprop-P, epoxiconazole, fenpyroximate, fluazinam, flutolanil, foseetyl, *Lecanicillium muscarium*, mepanipyrim, mepiquat, *Metarhizium anisopliae* var. *Anisopliae*, metconazole, metrafenone, *Phlebiopsis gigantea*, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, *Pythium oligandrum*, rimsulfuron, spinosad, *Streptomyces* K61, thiacloprid, tolclofos-methyl, *Trichoderma asperellum*, *Trichoderma atroviride*, *Trichoderma gamsii*, *Trichoderma harzianum*, triclopyr, trinexapac, triticonazole, *Verticillium albo-atrum* and ziram (D060042/02 — 2019/2541(RSP))

(2021/C 23/09)

The European Parliament,

- having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ⁽¹⁾,
- having regard to the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances abamectin, *Bacillus subtilis* (Cohn 1872) Strain QST 713, *Bacillus thuringiensis* subsp. *Aizawai*, *Bacillus thuringiensis* subsp. *israeliensis*, *Bacillus thuringiensis* subsp. *kurstaki*, *Beauveria bassiana*, benfluralin, clodinafop, clopyralid, *Cydia pomonella* Granulovirus (CpGV), cyprodinil, dichlorprop-P, epoxiconazole, fenpyroximate, fluazinam, flutolanil, foseetyl, *Lecanicillium muscarium*, mepanipyrim, mepiquat, *Metarhizium anisopliae* var. *Anisopliae*, metconazole, metrafenone, *Phlebiopsis gigantea*, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, *Pythium oligandrum*, rimsulfuron, spinosad, *Streptomyces* K61, thiacloprid, tolclofos-methyl, *Trichoderma asperellum*, *Trichoderma atroviride*, *Trichoderma gamsii*, *Trichoderma harzianum*, triclopyr, trinexapac, triticonazole, *Verticillium albo-atrum* and ziram (D060042/02,
- having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽²⁾, and in particular the first paragraph of Article 17 thereof,
- having regard to the Renewal Assessment Report of October 2017 prepared according to the Commission Regulation (EC) No 1107/2009 on thiacloprid ⁽³⁾,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽⁴⁾,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
- having regard to Rule 106(2) and (3) of its Rules of Procedure,

⁽¹⁾ OJ L 309, 24.11.2009, p. 71.

⁽²⁾ OJ L 309, 24.11.2009, p. 1.

⁽³⁾ Renewal Assessment Report prepared according to the Commission Regulation (EC) No 1107/2009, Thiacloprid, Volume 1, October 2017, <https://www.efsa.europa.eu/en/consultations/call/180123>

⁽⁴⁾ OJ L 55, 28.2.2011, p. 13.

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Introducing the context

- A. whereas thiacloprid has been approved for use as an insecticide since 1 January 2005;
- B. whereas a procedure to renew the approval of thiacloprid under Commission Implementing Regulation (EU) No 844/2012⁽¹⁾ has been ongoing since 2015 and includes the three years' notice required; whereas the current approval period expires on 30 April 2019;
- C. whereas the approval period of the active substance thiacloprid has already been extended by Commission Implementing Regulation (EU) 2018/524⁽²⁾;
- D. whereas the Commission fails to explain the reasons for a second extension apart from stating: 'Due to the fact that the assessment of those substances [including thiacloprid] has been delayed for reasons beyond the control of the applicants, the approval of those active substances are likely to expire before a decision on the renewal of the approval has been taken';
- E. whereas Regulation (EC) No 1107/2009 aims to ensure a high level of protection of both human and animal health and the environment and at the same time to safeguard the competitiveness of Union agriculture; whereas particular attention should be paid to the protection of vulnerable groups of the population, including pregnant women, infants and children;
- F. whereas the precautionary principle should apply, and whereas Regulation (EC) No 1107/2009 specifies that substances should only be included in plant protection products where it has been demonstrated that they present a clear benefit for plant production and they are not expected to have any harmful effect on human or animal health or any unacceptable effects on the environment;
- G. whereas Regulation (EC) No 1107/2009 states that to speed up the approval of active substances, strict deadlines should be established for the different procedural steps, which has clearly not happened;
- H. whereas Regulation (EC) No 1107/2009 indicates that in the interest of safety, the approval period for active substances should be limited in time; whereas the approval period should be proportionate to the possible risks inherent in the use of such substances, but such proportionality is obviously lacking;
- I. whereas the active substance thiacloprid is a cyano-substituted neonicotinoid widely used to replace clothianidin, imidacloprid and thiamethoxam, which are prohibited in the Union except for use in greenhouses;
- J. whereas the formulations based on thiacloprid are sprayed in fields at a much higher rate than the previously used substances clothianidin, imidacloprid and thiamethoxam;
- K. whereas thiacloprid formulations are allowed to be used during flowering because less damage to pollinators is expected;

⁽¹⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽²⁾ Commission Implementing Regulation (EU) 2018/524 of 28 March 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances *Bacillus subtilis* (Cohn 1872) Strain QST 713, identical with strain AQ 713, clodinafop, clopyralid, cyprodinil, dichlorprop-P, fosetyl, mepanipyrim, metconazole, metrafenone, pirimicarb, *Pseudomonas chlororaphis* strain: MA 342, pyrimethanil, quinoxifen, rimsulfuron, spinosad, thiacloprid, thiamethoxam, thiram, tolclofos-methyl, triclopyr, trinexapac, triticonazole and ziram (OJ L 88, 4.4.2018, p. 4).

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Endocrine disrupting properties

- L. whereas several recent studies suggest that thiacloprid has endocrine disrupting effects ⁽¹⁾, genotoxic and cytotoxic effects ⁽²⁾, ⁽³⁾ and a neurodevelopmental impact, and is neurotoxic ⁽⁴⁾ and immunotoxic ⁽⁵⁾;
- M. whereas the active substance thiacloprid is considered to present ‘endocrine disrupting properties’ in the EU Pesticides database ⁽⁶⁾ and is a candidate for substitution;
- N. whereas the European Chemicals Agency has established the following classification and labelling for the active substance thiacloprid: ‘suspected human carcinogen and presumed human reproductive toxicant’;
- O. whereas the European Food Safety Authority published alarming and irrevocable conclusions regarding the dangerousness of thiacloprid for human health in the Renewal Assessment Report of October 2017 on thiacloprid, which was issued for public consultation ⁽⁷⁾;
- P. whereas at a meeting of the Committee on the Environment, Public Health and Food Safety of 16 June 2016, Commissioner Andriukaitis explained that the precautionary principle would prevail in case of doubt as regards the criteria for endocrine disruptors;
- Q. whereas the French environmental agency ANSES gave an unfavourable opinion regarding the active substance thiacloprid in its report on neonicotinoids of May 2018 ⁽⁸⁾, ⁽⁹⁾, ⁽¹⁰⁾;
- R. whereas France has banned the use of thiacloprid since September 2018 on account of its suspected carcinogenicity;

Threat to biodiversity

- S. whereas thiacloprid can be as toxic to honey bees as imidacloprid and thiamethoxam ⁽¹¹⁾;

⁽¹⁾ Effects of commercial formulations of deltamethrin and/or thiacloprid on thyroid hormone levels in rat serum. Sekeroglu, V., 2014, <https://www.ncbi.nlm.nih.gov/pubmed/22677783>

⁽²⁾ In vitro investigation of the genotoxic and cytotoxic effects of thiacloprid in cultured human peripheral blood lymphocytes. Kocaman, A.Y., 2014, <https://www.ncbi.nlm.nih.gov/pubmed/22730181>

⁽³⁾ Investigation of the genotoxic and cytotoxic effects of widely used neonicotinoid insecticides in HepG2 and SH-SY5Y cells. Şenyıldız, M., 2018, <https://www.ncbi.nlm.nih.gov/pubmed/29591886>

⁽⁴⁾ A critical review of neonicotinoid insecticides for developmental neurotoxicity. Sheets, L.P., 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4732412/>

⁽⁵⁾ Effects of thiacloprid, deltamethrin and their combination on oxidative stress in lymphoid organs, polymorphonuclear leukocytes and plasma of rats. Birsen Aydin, 2011, <https://www.sciencedirect.com/science/article/abs/pii/S0048357511000617>

⁽⁶⁾ https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/active-substances/?event=as.details&as_id=841

⁽⁷⁾ <https://www.efsa.europa.eu/en/consultations/call/180123>

⁽⁸⁾ Risques et bénéfices relatifs des alternatives aux produits phytopharmaceutiques comportant des néonicotinoïdes, Tome 1 — Rapport du groupe de travail Identification des alternatives aux usages autorisés des néonicotinoïdes. Rapport d’expertise collective, Mai 2018, <https://www.anses.fr/fr/system/files/PHYTO2016SA0057Ra-Tome1.pdf>

⁽⁹⁾ Risques et bénéfices relatifs des alternatives aux produits phytopharmaceutiques comportant des néonicotinoïdes, Tome 2 — Rapport sur les indicateurs de risque. Rapport d’expertise collective, Mai 2018, <https://www.anses.fr/fr/system/files/PHYTO2016SA0057Ra-Tome2.pdf>

⁽¹⁰⁾ Risques et bénéfices relatifs des alternatives aux produits phytopharmaceutiques comportant des néonicotinoïdes, Tome 3 — Rapport d’appui scientifique et technique sur l’impact agricole. Rapport d’expertise collective, Mai 2018, <https://www.anses.fr/fr/system/files/PHYTO2016SA0057Ra-Tome3.pdf>

⁽¹¹⁾ <https://www.farmlandbirds.net/en/content/acetamiprid-and-thiacloprid-can-be-toxic-honey-bees-imidacloprid-and-thiamethoxam?page=1>

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- T. whereas thiacloprid can affect the learning and memory performance of honey bees and thus the vitality of their colonies ⁽¹⁾; whereas recent scientific data ⁽²⁾ shows that chronic exposure of honey bees in fields, at low concentration, to the active substance thiacloprid leads to important sub-lethal effects, such as impaired foraging behaviour, communication and navigation of those animals, which means that the question can be raised whether the use of the active substance thiacloprid is actually in compliance with Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽³⁾;
- U. whereas, in addition to the already known side-effects of neonicotinoids on pollinators, recent scientific publications ⁽⁴⁾ have demonstrated that the active substance thiacloprid affects the immunocompetence of honey bees, which is already considerably weakened;
- V. whereas the increase in toxicity to pollinators is the result of a cocktail effect ⁽⁵⁾ from the use of multiple pesticides and insecticides, including thiacloprid;
1. Considers that the draft Commission implementing regulation exceeds the implementing powers provided for in Regulation (EC) No 1107/2009;
 2. Considers that the decision to register thiacloprid cannot be justified, as there is insufficient evidence to suggest that unacceptable risks to animals, food safety and pollinators will be prevented;
 3. Considers that the draft Commission implementing regulation is not based on an urgent need for the active substance thiacloprid for the purposes of agriculture in the Union;
 4. Considers that the draft Commission implementing regulation does not respect the precautionary principle;
 5. Considers it appropriate for the Commission to propose instead a special status for honey bees, which takes into account the fact that pollinators are indispensable for sustainable agriculture, for crop production and simultaneously for other wild and food-producing animals, and to propose to modify, harmonise and increase the coherence of relevant regulations in the light of this, with a view to ensuring a high level of protection for honey bees and other pollinators;
 6. Calls on the Commission to withdraw its draft implementing regulation and to submit a new draft to the committee that takes into account the chronic effect of the active substance thiacloprid on honey bees, human and animal health, and the environment;
 7. Calls on the Commission to ban, without delay, active substances in the neonicotinoid class or substances that act in the same way, including thiacloprid;
 8. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

⁽¹⁾ <https://www.ncbi.nlm.nih.gov/pubmed/28819056>

⁽²⁾ <https://pubs.acs.org/doi/abs/10.1021/acs.est.6b02658?journalCode=esthag>

⁽³⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

⁽⁴⁾ <https://www.sciencedirect.com/science/article/pii/S0022191016300014>

⁽⁵⁾ Traynor, K.S., Pettis, J.S., Tarpy, D.R., Mullin, C.A., Frazier, J.L., Frazier, M., van Engelsdorp, D., 'In-hive Pesticide Exposome: Assessing risks to migratory honey bees from in-hive pesticide contamination in the Eastern United States', *Scientific Reports* 6, 15 September 2016, <http://www.nature.com/articles/srep33207>

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P8_TA(2019)0200

2018 Report on Turkey

European Parliament resolution of 13 March 2019 on the 2018 Commission Report on Turkey (2018/2150(INI))

(2021/C 23/10)

The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 24 November 2016 on EU-Turkey relations ⁽¹⁾, of 27 October 2016 on the situation of journalists in Turkey ⁽²⁾, and of 8 February 2018 on the current human rights situation in Turkey ⁽³⁾,
- having regard to the Commission communication of 17 April 2018 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on EU Enlargement Policy (COM(2018)0450), to the Turkey 2018 Report (SWD(2018)0153), and to the revised indicative strategy paper for Turkey (2014-2020) adopted in August 2018,
- having regard to the Presidency conclusions of 13 December 2016 and the Council conclusions of 26 June 2018, and to the previous relevant Council and European Council conclusions,
- having regard to the Negotiating Framework for Turkey of 3 October 2005 and to the fact that, as is the case for all accession countries, Turkey's accession to the EU depends on full compliance with the Copenhagen criteria,
- having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey ('the Accession Partnership') ⁽⁴⁾, and to the previous Council decisions of 2001, 2003 and 2006 on the Accession Partnership,
- having regard to the joint statement following the EU-Turkey summit of 29 November 2015 and to the EU-Turkey Action Plan,
- having regard to the declaration issued by the European Community and its Member States on 21 September 2005, including the provision that the recognition of all Member States is a necessary component of the negotiations, and to the need for Turkey to fully implement the Additional Protocol to the Ankara Agreement in relation to all Member States, by removing all obstacles to the free movement of goods, without restrictions or discrimination,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Article 46 of the European Convention on Human Rights (ECHR), which states that the contracting parties undertake to abide by the final judgments of the European Court of Human Rights (ECtHR) in any case to which they are parties, and, therefore, to the obligation of Turkey to implement all judgements of the ECtHR,
- having regard to the 2018 World Press Freedom Index published by Reporters Without Borders, which ranks Turkey 157th out of 180 countries,
- having regard to Resolution 1625(2008) of the Council of Europe regarding property and inheritance rights of the Greek Orthodox population and its foundations on the islands of Gökçeada (Imbros) and Bozcaada (Tenedos),

⁽¹⁾ Texts adopted, P8_TA(2016)0450

⁽²⁾ Texts adopted, P8_TA(2016)0423.

⁽³⁾ Texts adopted, P8_TA(2018)0040.

⁽⁴⁾ OJ L 51, 26.2.2008, p. 4.

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- having regard to its resolution of 13 November 2014 on Turkish actions creating tensions in the exclusive economic zone of Cyprus ⁽¹⁾, and its resolution of 15 April 2015 on the centenary of the Armenian genocide ⁽²⁾,
- having regard to the opinions of the Council of Europe's Venice Commission, in particular those of 10-11 March 2017 on the amendments to the constitution to be submitted to a national referendum, on the measures provided for in the recent Emergency Decree-Laws with respect to freedom of the media, and on the duties, competences and functioning of the criminal peace judgeships, of 6-7 October 2017 on the provisions of Decree-Law No 674 concerning the exercise of local democracy, of 9-10 December 2016 on Emergency Decree-Laws Nos 667-676 adopted following the failed coup of 15 July 2016, and of 14-15 October 2016 on the suspension of the second paragraph of Article 83 of the Constitution, focusing on parliamentary inviolability,
- having regard to the statement by the Council of Europe's Commissioner for Human Rights of 26 July 2016 on measures taken under the state of emergency in Turkey,
- having regard to the findings and conclusions of the OSCE/ODIHR Needs Assessment Mission on the early presidential and parliamentary elections of 24 June 2018,
- having regard to Resolution 2156 of the Parliamentary Assembly of the Council of Europe (PACE) of 25 April 2017, entitled 'The functioning of democratic institutions in Turkey' and resulting in the reopening of the monitoring procedure,
- having regard to the EU-Turkey Statement of 18 March 2016,
- having regard to the Commission communication of 2 March 2017 to the European Parliament and the Council on the First Annual Report on the Facility for Refugees in Turkey (COM(2017)0130), to the Commission communication to the European Parliament and the Council of 14 March 2018 on the Second Annual Report on the Facility for Refugees in Turkey (COM(2018)0091), and to the Commission's Fifth Report of 2 March 2017 to the European Parliament, the European Council and the Council on the progress made in the implementation of the EU-Turkey Statement (COM(2017)0204),
- having regard to the Commission recommendation of 21 December 2016 for a Council decision authorising the opening of negotiations with Turkey on an agreement on the extension of the scope of the bilateral preferential trade relationship and on the modernisation of the Customs Union, and to the Council Conclusions of 26 June 2018 to the effect that no further work towards the modernisation of the EU-Turkey Customs Union is foreseen,
- having regard to the special report of the European Court of Auditors of 14 March 2018 entitled 'EU pre-accession assistance to Turkey: Only limited results so far',
- having regard to the 2019 budget under which IPA II funds to Turkey will be cut by 146,7 million in view of the situation in Turkey as regards human rights, democracy and the rule of law,
- having regard to the report of the Office of the United Nations High Commissioner for Human Rights of March 2018 on the impact of the state of emergency on human rights in Turkey with particular reference to the south-east of the country,
- having regard to the EU-Turkey Readmission Agreement,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A8-0091/2019),

⁽¹⁾ Texts adopted, P8_TA(2014)0052.

⁽²⁾ Texts adopted, P8_TA(2015)0094.

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- A. whereas the EU-Turkey Joint Parliamentary Committee (JPC) held its long-awaited 77th meeting in Brussels on 28 April 2018, after three years of standstill in interparliamentary relations;
- B. whereas according to the Office of the United Nations High Commissioner for Refugees (UNHCR), Turkey hosts the largest refugee population in the world, with more than 3 million registered refugees from Syria, Iraq and Afghanistan;
- C. whereas respect for the rule of law and fundamental rights, including the separation of powers, democracy, freedom of expression and the media, human rights, the rights of minorities and religious freedom, freedom of association and the right to peaceful protest, the fight against corruption and the fight against racism and discrimination against vulnerable groups are at the core of the negotiation process;
- D. whereas in November 2016 Parliament called on the Commission and the Member States to initiate a temporary freeze on the ongoing accession negotiations with Turkey and committed to reviewing its position once the disproportionate measures under the state of emergency in Turkey are lifted;
- E. whereas in July 2017 Parliament called on the Commission and the Member States, in accordance with the Negotiating Framework, to formally suspend the accession negotiations with Turkey without delay should the constitutional reform package be implemented unchanged;
1. Notes that the state of emergency introduced after the 2016 coup attempt was extended 7 times; welcomes the decision of 19 July 2018 to lift the state of emergency; regrets, however, that the new legislation introduced in July 2018, in particularly Law No 7145, preserves many of the powers granted to the President and Executive under the state of emergency and basically enables it to continue, with all the limitations this entails on freedoms and basic human rights; stresses that this dampens any positive effects of its termination; notes that the prolonged state of emergency has led to an erosion of the rule of law and to the deterioration of human rights in Turkey, which may have long-lasting implications for the country's institutional and socio-economic fabric; is concerned that many of the procedures in force during the state of emergency are still being applied by police forces and local administrations; is equally concerned about the serious backsliding in the areas of freedom of expression, freedom of assembly, freedom of association and procedural and property rights;
2. Is deeply concerned that over 150 000 people were taken into custody in the post-coup crackdown and 78 000 have been arrested on the basis of terrorism charges, while more than 50 000 people remain in jail, in most cases without conclusive evidence; expresses concern at the excessively lengthy pre-trial detention and judicial proceedings, the fact that in several cases no indictment has been issued yet, and the harshness of detention conditions; also expresses concern at the widespread practice of cancelling the passports of the relatives of detainees and suspects, and stresses the need for due process and administrative redress where the cancellation is not soundly justified; is particularly concerned at the fact that such arrests seem also to target legitimate voices of dissent, including those of human rights defenders, journalists or members of the opposition; is very worried at the allegations of ill-treatment and torture of detainees, as reported by several human rights organisations and the office of the UN High Commissioner for Human Rights; is deeply concerned about reports indicating that long-term solitary confinement is being applied widely, turning into a second punishment for detainees; warns against the abuse of anti-terror measures to legitimise the repression of human rights; urges Turkey to observe the proportionality principle in its measures to fight terrorism, and to make its anti-terrorism legislation compliant with international human rights standards;
3. Regrets the actions undertaken by the Turkish government against Turkish citizens in third countries, including harassment and kidnappings and covert surveillance, as well as the practice of hotlines through which people are encouraged to report other citizens to the government; is deeply worried about the illegal abduction and extradition of 101 Turkish nationals which were conducted in 18 countries, as confirmed by the Turkish authorities' statement of 16 July 2018; urges EU Member States to process any extradition requests by Turkey in a transparent manner, while following judicial procedures fully in line with international human rights standards; reiterates that Interpol arrest warrants cannot be misused to target Turkish dissidents, human rights defenders, journalists and those critical of the government, such as former Sakharov Prize finalist Can Dündar;

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4. Notes that since the introduction of the state of emergency more than 152 000 civil servants — including teachers, doctors, (peace) academics, lawyers, judges and prosecutors — have been dismissed; notes that 125 000 people applied to the Inquiry Commission on the State of Emergency Measures (CoSEM), which is tasked with reviewing and deciding on, within two years, complaints about measures taken under the state of emergency and related decrees, and that 81 000 of these complaints are still awaiting a decision; notes the very low rate (7 %) of favourable outcomes leading to the reinstatement of the applicants in their positions; is concerned about the narrow scope of the mandate of this commission, its lack of independence and the fact that examinations are made on the sole basis of documents in the case-file, without participation of the person concerned; notes that these dismissals have had a very harsh impact on the individuals concerned and on their families, including in economic terms, and that they come with a lasting social and professional stigma; calls on the Turkish government to ensure that all individuals have the right to due process and to have their cases reviewed by an independent judicial court in accordance with international standards that can ensure compensation for the material and moral damage caused by their arbitrary dismissal; calls on Turkey to ensure the operational, structural and financial independence of the National Human Rights and Equality Institution and of the Ombudsman Institution in order to guarantee their capacity to provide genuine review and redress opportunities;

5. Is highly concerned at reports that the Directorate of Religious Affairs (Diyanet) is being exploited by the Turkish intelligence agency for purposes of pursuing opposition leaders from the Gülen movement or any other opponents, and urges the security institutions at EU and Member State level to investigate this serious violation of sovereignty and public order;

6. Condemns the increased executive surveillance and political pressure affecting the work of judges and prosecutors; stresses that a serious reform of the legislative and judicial branches of power is needed for Turkey in order to improve access to the justice system, increase its effectiveness and provide better protection for the right to trial within a reasonable time; stresses that these reforms are also needed if Turkey is to comply with its obligations under international human rights law; is worried that the dismissal of more than 4 000 judges and prosecutors is a threat to the independence and impartiality of the judiciary; also considers that the arrest of over 570 lawyers is an obstacle to the right of defence and amounts to a breach of the right to a fair trial; also condemns the detention and judicial harassment of human rights lawyers; calls on the Reform Action Group to review the judicial reform strategy and bring it into line with the required standards of the EU and of the Council of Europe; calls on Turkey to ensure throughout the reform process the participation of all relevant stakeholders and notably of civil society organisations; calls on the Commission to monitor the proper use of EU funding for the training of the judiciary and law enforcement officials, which should not be used to legitimise repressive behaviour;

7. Notes with concern that since the introduction of the state of emergency the number of asylum applications by Turkish citizens has risen dramatically, the result being that Turkey now occupies fifth place in terms of numbers of asylum applications submitted in EU Member States, according to the European Asylum Support Office; underlines that in September 2018 more than 16 000 applications were still waiting a first instance decision;

8. Reiterates the importance of media freedom and independence as one of the core values of the EU and a cornerstone of any democracy; expresses serious concern about the disproportionate and arbitrary measures curtailing freedom of expression, media freedom and access to information; condemns the closure of more than 160 media outlets, the high number of arrests of journalists and media workers in the aftermath of the coup attempt, the unsubstantiated and disproportionate sentences handed down, and the blocking of more than 114 000 websites in Turkey until last year, including that of Wikipedia; draws attention to the restrictions put in place on the rights of journalists and human rights defenders working on the Kurdish issue; urges Turkey to guarantee media freedom as a matter of priority and to immediately release and acquit all unlawfully detained journalists; calls on the Turkish authorities to demonstrate zero tolerance towards all incidents of physical and verbal abuse or threats against journalists, and to allow media outlets which have been arbitrarily closed to reopen;

9. Expresses great concern at the shrinking space for civil society and the promotion of fundamental rights and freedoms; stresses that a large number of activists, including human rights defenders, were arrested and demonstrations were recurrently banned during the state of emergency; calls on Turkey to release all imprisoned human rights defenders, journalists and others who have been detained on unsubstantiated charges, and to drop those charges and enable them to carry out their work without threat or impediment in all circumstances; calls on Turkey to protect the fundamental rights of all citizens, including ethnic, religious and sexual minorities; recalls that legislation in Turkey on hate speech is not in line

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with ECtHR case-law; urges the Government and Parliament of Turkey to adopt a hate crimes law that can protect all members of minorities from physical and verbal attacks and fulfil the Copenhagen criteria for accession countries with regard to respect for and protection of minorities; calls on the Commission and the Member States to increase their protection of and support for human rights defenders at risk in Turkey, including through emergency grants;

10. Condemns the arbitrary detention of Osman Kavala, a prominent and respected leading civil society figure in Turkey, who has been detained for over a year and a half now; is appalled by the recent indictment against Osman Kavala and 15 others who are facing an aggravated life sentence for 'attempting to overthrow the government' for their alleged roles in the Gezi protests of 2013; calls for their immediate and unconditional release and requests the EU delegation in Turkey to follow their case very closely; in addition, calls for a delegation of the European Parliament to attend the proceedings of the trial; disapproves of the detention of 13 academics and activists on 16 November 2018, in connection with the case of Osman Kavala; notes that 12 of them were released after having given their depositions and that one is still detained; asks for the latter's release pending proceedings and for the lifting of the travel ban imposed on the others;

11. Is seriously concerned about the lack of respect for freedom of religion, discrimination against religious minorities, including Christians and Alevis, and violence perpetrated on religious grounds; stresses that churches continue to face problems over the establishment or continuation of the use of premises as places of worship; calls on the Turkish authorities to promote positive and effective reforms in the area of freedom of thought, conscience and religion, by enabling religious communities to obtain legal personality, allowing charitable foundations to elect their governing bodies, eliminating all restrictions on the training, appointment and succession of the clergy, complying with the relevant judgements of the ECtHR and the recommendations of the Venice Commission, and eliminating all forms of discrimination or barriers based on religion; calls on Turkey to respect the distinct character and importance of the Ecumenical Patriarchate and to recognise its legal personality; reiterates the need to allow the reopening of the Halki Seminary and lift all obstacles to its proper functioning; calls for the electoral regulations for non-Muslim foundations to be published; welcomes the Turkish government's return of 50 Aramean churches, monasteries and cemeteries in Mardin, and calls on the Turkish authorities also to return the respective land to its rightful owners; draws attention to the impact of the security measures on the population in Tur Abdin and calls on Turkey to ensure preservation of the inhabitants' access to education, economic activities and religious sites; urges Turkey to do its utmost to avoid the destruction of Aramean cultural heritage by the ongoing preparatory work on the Ilisu dam project; calls on the Turkish authorities to take serious action to fight all manifestations of anti-Semitism in society;

12. Expresses its concern at the violations of the human rights of LGBTI people, in particular the repeated bans on Pride marches and LGBTI-related events across the country which are still being imposed, despite the lifting of the state of emergency, and calls for these discriminatory bans to be immediately lifted; calls on Turkey to take adequate measures to prevent and punish hate speech or crimes targeting disadvantaged groups such as Roma and Syrian refugees and asylum seekers, and calls for sustained efforts to improve their situation; calls on Turkey to fully implement the 2016-2021 Roma Integration Strategy Plan, paying particular attention to the fight against anti-Gypsyism, to guarantee access for Roma to affordable quality housing, to safeguard their access to education and take measures to prevent early school leaving, to fight against segregation, and to increase the employment rate among Roma; notes with concern the increase in so-called 'honour killings'; asks Turkey to harmonise its domestic legislation with the Council of Europe's Istanbul Convention on preventing and combating violence against women; calls on Turkey to ensure full equality for all citizens and to address the problems faced by members of minorities, in particular with regard to education and property rights; recalls the importance of the full implementation of the resolution of the Parliamentary Assembly of the Council of Europe relating to the islands of Imbros and Tenedos, and calls on Turkey to assist the repatriation of minority families who wish to return to those islands; welcomes the opening of a Greek-minority school on Imbros, which constitutes a positive step;

13. Is concerned about the prevalence and severity of violence against women in Turkish society, including honour killings, non-legal child marriages and sexual abuse, and about the Turkish authorities' reluctance to punish the perpetrators of gender-based violence; stresses that domestic violence led to the death of 440 women in 2018 — an increase on previous years — and that criminal proceedings are often lengthy and subject to delay; calls on the Turkish Government to adopt and implement a zero-tolerance policy on this matter;

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14. Calls on the Turkish government to respect and fully implement the legal obligations which it has entered into concerning the protection of cultural heritage, and, in particular, to draw up in good faith an integrated inventory of Greek, Armenian, Assyrian and other cultural heritage that was destroyed or ruined in the course of the last century; opposes, in this context, any extreme view that promotes alterations to the physiognomy of the Hagia Sophia historical-religious monument and its conversion into a mosque; calls on Turkey to ratify the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions; calls on Turkey to cooperate with the relevant international organisations, especially the Council of Europe, in preventing and combating illicit trafficking in and the deliberate destruction of cultural heritage;

15. Is deeply concerned at the situation in the south-east of Turkey and the serious allegations of human rights abuses, excessive use of force, torture, and the severe curtailment of the right to freedom of opinion and expression as well as political participation in the south-east, especially since the collapse of the Kurdish settlement process in 2015, as documented by the Office of the UN High Commissioner for Human Rights and human rights defenders in Turkey; reiterates its firm condemnation of the return to violence on the part of the Kurdistan Workers' Party (PKK), which has been on the EU list of terrorist organisations since 2002; stresses the urgency of resuming a credible political process leading to a peaceful settlement of the Kurdish issue; calls on Turkey to promptly investigate all serious allegations of human rights abuses and killings, and to allow international observers to carry out independent monitoring activities; is concerned at the destruction of historical heritage sites in the south-east, including that of the ancient Sur site in Diyarbakir, which was included on UNESCO's World Heritage List, an act which jeopardises the preservation of Kurdish identity and culture in Turkey;

16. Notes with concern that during the state of emergency a very large number of mayors and deputy mayors in the south-east were dismissed and/or arrested and that the Government appointed trustees to replace them; stresses that, as a result, a large part of Turkey's population has not been democratically represented at the local level; takes the view that the municipal elections to be held in March 2019 must be seen as providing an important opportunity for the full reinstatement of the principle of direct democratic mandate;

17. Notes with concern that the state of emergency and certain provisions under the constitutional reform package have further constrained the Grand National Assembly in its capacity to fulfil its fundamental role of ensuring democratic scrutiny and accountability; notes with great concern the arrest of two members of the Republican People's Party (CHP) and the way the People's Democratic Party (HDP) has been particularly marginalised, with many of its lawmakers being arrested on grounds of alleged support for terrorist activities; calls for the release of all members of the Grand National Assembly detained on account of speeches made and actions taken while carrying out their parliamentary work; underlines that the Grand National Assembly should be the central institution in Turkish democracy, and should represent all citizens on equal terms; regrets the high electoral threshold, which curbs true political representation and does not reflect Turkey's pluralistic society;

18. Condemns the continued arrest of Selahattin Demirtaş, opposition leader and presidential candidate; welcomes the ECtHR ruling on his case, which calls on the Turkish authorities to immediately release him; stresses that the ECtHR further ruled that the detention of Mr Demirtaş pursued the predominant ulterior purpose of stifling pluralism and limiting freedom of political debate; condemns the position of the Turkish authorities against this ruling; expects the Commission and the Member States to follow this case very closely, and calls for the immediate and unconditional release of Mr Demirtaş;

19. Stresses the importance of the fight against corruption, and draws attention to the findings of the 2018 Report on Turkey to the effect that corruption remains prevalent in many areas and continues to be a serious problem; is concerned that the track record of investigation, prosecution and conviction in corruption cases remains poor, particularly in high-level cases;

20. Recalls that the Venice Commission assessed the constitutional amendments related to the introduction of a presidential system as lacking sufficient checks and balances as well as endangering the separation of powers between executive and judiciary; recalls further that the European Parliament has called on the Government of Turkey to implement constitutional and judicial changes and reforms in cooperation with the Venice Commission, and last year also called for the formal suspension of the accession negotiations should the constitutional reform be implemented unchanged, since this would be incompatible with the Copenhagen criteria;

21. Taking all of the above into account, recommends that the Commission and the Council of the European Union, in accordance with the Negotiating Framework, formally suspend the accession negotiations with Turkey; remains, however, committed to democratic and political dialogue with Turkey; asks the Commission to use the funds currently allocated under the Instrument for Pre-Accession Assistance (IPA II and the future IPA III) to support, through a dedicated envelope

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directly managed by the EU, Turkey's civil society, human rights defenders and journalists and to increase opportunities for people-to-people contacts, academic dialogue, access for Turkish students to European universities, and media platforms for journalists with the objective of protecting and promoting democratic values and principles, human rights and the rule of law; without prejudice to Article 49 of the Treaty on European Union, expects the relationship between Turkey and the EU to be redefined in terms of an effective partnership; underlines that any political engagement between the EU and Turkey should be built on conditionality provisions concerning respect for democracy, the rule of law and fundamental rights;

22. Notes that while the EU accession process was at its start a strong motivation for reforms in Turkey, there has been a stark regression in the areas of the rule of law and human rights during the last few years;

23. Stresses that the modernisation of the Customs Union would further strengthen the already strong ties between Turkey and the EU and would keep Turkey economically anchored to the EU; believes, therefore, that a door should be left open for the modernisation and upgrade of the 1995 Customs Union between the EU and Turkey, to include relevant areas such as agriculture, services and public procurement, which currently are not covered; recalls that Turkey is the EU's fifth largest trading partner, while the EU is Turkey's largest, that two thirds of Foreign Direct Investment (FDI) in Turkey comes from EU Member States and that Turkey is an important growth market for the EU; believes that the upgrade would provide a valuable opportunity for democratic conditionality, positive leverage and the possibility of a roadmap where the upgrade of the Customs Union would go hand in hand with concrete improvements by Turkey on democratic reforms in the fields of democracy, human rights fundamental freedoms as well as the rule of law and towards a true, open space for civil society and pluralism; believes further that the upgrade of the Customs Union would provide an important opportunity for policy dialogue on socially and environmentally sustainable economic development and climate change, as well as on labour rights in Turkey; calls on the Commission to start preparatory work for the upgrade of the Customs Union as soon as the Turkish Government attests to its readiness for serious reforms; calls on the Commission to include a clause on human rights and fundamental freedoms in the upgraded Customs Union making human rights and fundamental freedoms a key conditionality; recalls that the current Customs Union does not achieve its full potential until Turkey fully implements the Additional Protocol towards all Member States;

24. Points out that trade union freedom and social dialogue are vital to the development of a pluralistic society; regrets the legislative shortcomings on labour and trade union rights, and stresses that the right to organise, the right to collective bargaining and the right to strike are fundamental rights of workers; deeply regrets that membership of a trade union has often been considered as criminal evidence in judicial cases; believes that such a stance could further endanger the status of trade unions in the country; is seriously concerned about the working conditions for workers in the construction of the new Istanbul airport, given that reportedly 38 workers have died in work-related accidents since the start of construction in May 2015 while 31 people, including a union leader, are currently in jail for protesting against poor working conditions and low and irregularly paid wages; calls on the Turkish authorities to consult closely with the relevant trade unions on the issue of the necessary safeguards for workers on-site, to carry out a thorough investigation into the deaths and injuries that have occurred, and to allow the unions full access to the workers concerned; expresses concern over the issue of child labour, especially in sectors such as agriculture and seasonal work; notes the efforts of the Turkish government with a view to granting refugees benefiting from temporary protection in Turkey the right to work, subject to an appropriate authorisation; notes that more than 20 000 work permits have been issued to Syrians and that they include certain conditions regarding minimum wage levels and social security; points out that despite these efforts, many Syrians continue to work without authorisation in numerous sectors and many of Turkey's provinces; stresses that language is still one of the most important barriers for Syrian workers;

25. Calls on the Turkish Government to halt its plans for the construction of the Akkuyu nuclear power plant; calls on Turkey to adhere to the Espoo Convention; asks the Turkish Government to involve, or at least consult, the governments of the neighbouring countries, such as Greece and Cyprus, in relation to any further developments in the Akkuyu venture;

26. Notes that visa liberalisation is of great importance for Turkish citizens, particularly for students, academics, business representatives and people with family ties in EU Member States; encourages the Turkish Government to fully comply with the 72 criteria identified in the visa liberalisation roadmap; stresses that the revision of Turkey's anti-terrorism legislation is a key condition for ensuring fundamental rights and freedoms; encourages Turkey to make the necessary efforts to fulfil the remaining benchmarks; stresses that visa liberalisation will be possible once all the criteria have been fully and effectively met in a non-discriminatory fashion;

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27. Recalls the important role played by Turkey in responding to the migration crisis resulting from the war in Syria; takes the view that Turkey and its population have shown great hospitality by offering shelter to more than 3,5 million Syrian refugees; underlines that there are about one million Syrian children of school age in Turkey, of whom 60 % are registered in Turkish schools; takes note of the EU-Turkey Statement of 18 March 2016; urges Turkey to respect the non-refoulement principle; deplores the fact that under the 2011/2012 IPA programme, the EU financed the acquisition of Cobra II armoured surveillance vehicles, and calls on the Commission to closely monitor the use of equipment (co-) financed under EU programmes and the effective implementation of the non-refoulement principle, in particular on the Syrian border; calls on the EU and its Member States to keep their promises regarding large-scale resettlement, and to ensure adequate financial resources for the long-term support of Syrian refugees in Turkey; acknowledges the European Court of Auditors' 2018 Special Report, which calls for increased efficiencies and more transparency in the allocation and distribution of funding; points to the increasing uncertainty for Syrian refugees over the prospects for their temporary protection in Turkey, and asks Turkey to consider strategies for increased social cohesion in areas with large Syrian refugee communities, as well as for longer-term socio-economic and cultural inclusion and adequate and effective access to education and job training; calls on the Commission to remain vigilant and to ensure that where EU funds are used the rights of refugees are properly upheld and that action is taken to prevent child labour, the sexual exploitation of children and other human rights abuses;

28. Notes the importance for both the EU and its Member States and Turkey of maintaining close dialogue and cooperation on foreign policy and security issues; encourages cooperation and further alignment on foreign policy, defence and security issues, including counter-terrorism cooperation; recalls that Turkey is also a longstanding member of the NATO alliance and sits at a key geostrategic location for maintaining regional and European security; notes that the EU and Turkey continue to cooperate on issues of (military) strategic importance within the NATO framework; calls, therefore, on Turkey to resume its cooperation with EU NATO members under NATO's rolling programme of cooperation with non-EU countries;

29. Commends Turkey for the negotiation of the memorandum on Idlib; regrets the fact that Turkey-backed armed groups in the 'Free Syrian Army' (FSA) have reportedly seized, looted, and destroyed property of Kurdish civilians in the Afrin district of northern Syria; insists that Turkey and the FSA groups in Afrin should compensate displaced residents whose property they have seized, destroyed, or looted, and should not permanently deprive residents of their property; is concerned at reports of a wide range of violations taking place in Afrin mostly at the hands of Syrian armed groups, equipped and armed by Turkey, and also by the Turkish armed forces, who have allegedly taken over a number of schools, disrupting children's education; is concerned that Turkey also seeks to change the demographic balance in the Afrin canton by resettling Syrian Arab Sunni refugees from Turkey to the Kurdish-populated region; asks the Turkish government to drop charges against all those citizens who have criticised Turkey's military actions in Syria and thus respect the right of free speech;

30. Reiterates the importance of good neighbourly relations; calls on Turkey, in this connection, to step up efforts to resolve outstanding bilateral issues, including unresolved legal obligations and unsettled disputes with its immediate neighbours over land and maritime borders and airspace, in accordance with the provisions of the UN Charter and with international law; reiterates its call on the Turkish Government to sign and ratify the United Nations Convention on the Law of the Sea (UNCLOS); urges the Turkish Government to end the repeated violations of Greek airspace and territorial waters, and to respect the territorial integrity and sovereignty of all of its neighbours; expresses its regret that the *casus belli* threat issued by the Turkish Grand National Assembly against Greece has not yet been withdrawn;

31. Welcomes the efforts under the auspices of the UN Secretary-General to resume negotiations on the reunification of Cyprus; reiterates its support for a fair, comprehensive and viable settlement on the basis of a bi-communal, bi-zonal federation with a single international legal personality, single sovereignty and single citizenship and with political equality between the two communities, as defined by the relevant UN Security Council resolutions, in accordance with international law and the EU acquis and on the basis of respect for the principles on which the Union is founded; draws attention to the Framework put forward by the UN Secretary-General and his appeal for the resumption of negotiations, building on the agreements already reached in the 2017 Crans-Montana process; calls for the EU and its Member States to play a more active role in bringing negotiations to a successful conclusion; reiterates its call on all parties concerned, in particular Turkey, to commit and contribute to a comprehensive settlement; calls on Turkey to begin withdrawing its troops from Cyprus, to transfer the sealed-off area of Famagusta to the UN in accordance with UN Security Council Resolution 550, and

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to refrain from actions altering the demographic balance on the island through a policy of illegal settlements; stresses the need for the implementation of the EU acquis on the whole island; acknowledges, in this regard, the continuation of the work of the bi-communal ad hoc committee on EU preparation; commits to stepping up its efforts to engage with the Turkish Cypriot community in its preparations to fully integrate into the EU following the solution of the Cyprus problem, and calls on the Commission to do the same; praises the important work of the bicommunal Committee on Missing Persons (CMP), which deals with both Turkish Cypriot and Greek Cypriot missing persons, and commends the fact that improved access to relevant sites, including military areas, has been granted; calls on Turkey to assist the CMP by providing information from its military archives; recognises the right of the Republic of Cyprus to enter into bilateral agreements concerning its exclusive economic zone; reiterates its call on Turkey to fully respect the sovereign rights of all Member States, including those rights related to prospecting for and exploitation of natural resources, in accordance with the EU acquis and international law; urges Turkey to engage in the peaceful settlement of disputes, and to refrain from any threat or action which might have negative effects on good neighbourly relations;

32. Calls on Turkey and Armenia to pursue the normalisation of their relations; stresses that the opening of the Turkish-Armenian border could lead to improved relations, with particular reference to cross-border cooperation and economic integration;

33. 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 and Security Policy, the Member States, the Government of Turkey and the Grand National Assembly of Turkey, and asks for this report to be translated into Turkish.

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P8_TA(2019)0201

European Semester for economic policy coordination: Annual Growth Survey 2019**European Parliament resolution of 13 March 2019 on the European Semester for economic policy coordination: Annual Growth Survey 2019 (2018/2119(INI))**

(2019/C 23/11)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 121(2), 126 and 136 thereof and Protocol No 12,
- having regard to Protocol No 1 on the role of national parliaments in the European Union,
- having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,
- having regard to the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union,
- having regard to Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽¹⁾,
- having regard to Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States ⁽²⁾,
- having regard to Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area ⁽³⁾,
- having regard to Council Regulation (EU) No 1177/2011 of 8 November 2011 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽⁴⁾,
- having regard to Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances ⁽⁵⁾,
- having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽⁶⁾,
- having regard to Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area ⁽⁷⁾,
- having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability ⁽⁸⁾,

⁽¹⁾ OJ L 306, 23.11.2011, p. 12.

⁽²⁾ OJ L 306, 23.11.2011, p. 41.

⁽³⁾ OJ L 306, 23.11.2011, p. 8.

⁽⁴⁾ OJ L 306, 23.11.2011, p. 33.

⁽⁵⁾ OJ L 306, 23.11.2011, p. 25.

⁽⁶⁾ OJ L 306, 23.11.2011, p. 1.

⁽⁷⁾ OJ L 140, 27.5.2013, p. 11.

⁽⁸⁾ OJ L 140, 27.5.2013, p. 1.

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- having regard to the Commission communication of 21 November 2018 entitled ‘Annual Growth Survey 2019: For a stronger Europe in the face of global uncertainty’ (COM(2018)0770), and to the Alert Mechanism Report 2019 (COM(2018)0758),
 - having regard to the annual report of the European Fiscal Board of 10 October 2018,
 - having regard to the Commission’s European Economic Forecasts (Autumn 2018 and Winter 2019),
 - having regard to Regulation (EU) 2017/825 of the European Parliament and of the Council of 17 May 2017 on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013 ⁽¹⁾,
 - having regard to the 2018 Ageing Report, published by the Commission on 25 May 2018,
 - having regard to the recommendation for a Council recommendation of 21 November 2018 on the economic policy of the euro area (COM(2018)0759),
 - 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 ⁽²⁾,
 - having regard to the Five Presidents’ Report of 22 June 2015 on completing Europe’s Economic and Monetary Union, to the Commission white paper of 1 March 2017 on the future of Europe, and to the Commission reflection paper of 31 May 2017 on the deepening of the Economic and Monetary Union,
 - having regard to the Eurogroup report to Leaders of 4 December 2018 on deepening the Economic Monetary Union (EMU),
 - having regard to the statement of the Euro Summit of 14 December 2018,
 - having regard to the resolution of the Committee of the Regions of 10 October 2018 on the economic policies for the euro area and in view of the 2019 Annual Growth Survey ⁽³⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs, the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development, and the position in the form of amendments of the Committee on Women’s Rights and Gender Equality (A8-0159/2019),
- A. whereas Europe’s economy is now entering its seventh year of uninterrupted growth; whereas the euro area and the EU’s GDP growth rates have been adjusted downwards, with respective growth of 1,3 % and 1,5 % in 2019 and 1,6 % and 1,8 % (EU27) in 2020; whereas the growth rate is expected to moderate further, owing in part to growing concerns about the global growth outlook; whereas divergences between Member States in economic and employment performances persist;
- B. whereas unemployment in the euro area and the EU stood at 7,9 % and 6,6 % respectively in December 2018; whereas the unemployment rate in many Member States remains above pre-crisis levels, most notably in the case of long-term unemployment, with youth unemployment remaining high in a number of Member States;
- C. whereas the employment rate in the EU is growing, albeit unevenly across the Member States; whereas the number of people in work has reached the highest level ever recorded in the euro area, having stood at 146 million in the third quarter of 2018; whereas many of the newly created jobs are part time;

⁽¹⁾ OJ L 129, 19.5.2017, p. 1.

⁽²⁾ OJ C 252, 18.7.2018, p. 215.

⁽³⁾ OJ C 461, 21.12.2018, p. 1.

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- D. whereas economic growth remains vulnerable and varies between Member States amid continued geopolitical tensions, which have an impact on global trade, and persisting uncertainties surrounding the Union's future relations with the UK;
- E. whereas Europe is still facing an investment gap, even though it has for years benefited from exceptionally low interest rates and that financing conditions remain favourable;
- F. whereas according to Eurostat, the old-age dependency ratio in the EU is predicted to increase, in the absence of policy changes, from 29,3 % in 2016 to 52,3 % by 2080, which amounts to fewer than two working-age people for every elderly person; whereas there are vast differences between the Member States in this regard;
- G. whereas over the past two decades, total factor productivity in the euro area has lagged behind that of major global economies;
- H. whereas euro area debt-to-GDP ratio is expected to continue its declining trend of recent years and fall from around 87 % in 2018 to around 85 % in 2019; whereas, however, according to the Commission forecast, ten Member States are expected to have debt-to-GDP ratios of more than 60 % in 2019 and in seven Member States the ratio will remain above 90 %; whereas debt reduction measures have been slow in some Member States; whereas five euro area Member States with high debt-to-GDP ratios are forecast to have a sizeable structural deficit in 2019;
- I. whereas no euro area Member State is forecast to have a deficit above the 3 % of GDP threshold in 2019 and the aggregate euro area headline deficit is expected to have fallen to 0,6 % of GDP in 2018, rising slightly to 0,8 % of GDP in 2019;
- J. whereas the long-term sustainability of the Member States' public finances is a matter of concern for intergenerational fairness;
- K. whereas the current account surplus peaked in 2017 and are set to recede somewhat to settle at around 3,6 % of GDP in the euro area and at 2,3 % of GDP in the EU in 2019 and 2020, and are thus among the highest in the world;
1. Welcomes the Commission's Annual Growth Survey 2019, which reaffirms the importance of:
- (a) increasing high-quality investments;
 - (b) reforms that increase productivity growth, inclusiveness and institutional quality; and
 - (c) macro-financial stability and sound public finances;
2. Urges the EU and its Member States to take decisive and concerted action to deliver on the aim of inclusive and sustainable growth, to take responsibility for future generations, and to ensure intergenerational fairness through the sustainability and adequacy of public finances and our social security systems and, in so doing, to secure the future of our welfare states;
3. Notes that the Commission's 2018 Ageing Report shows that without policy changes, fiscal costs linked to pensions, healthcare and long-term care are expected to rise over the coming decades, as Europe's population continues to age significantly;
4. Urges the Member States to prepare for these demographic developments by:
- (a) implementing socially-balanced structural reforms to reduce such costs;

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(b) enhancing productivity growth, which is essential for ensuring strong and sustainable economic growth in the future, and

(c) building the appropriate fiscal buffers to arm against rising fiscal costs;

5. Welcomes the fact that the employment rate in the EU is growing, albeit unevenly across the Member States; notes that long-term unemployment and youth unemployment remain high in some Member States, necessitating continued reforms and investments to facilitate the entry of young people and the long-term unemployed into the labour market;

6. Urges the Commission to further promote the deepening of the Economic and Monetary Union (EMU), in accordance with the agreed roadmap;

7. Calls on the Commission to put the completion of the single market at the top of its agenda;

Delivering high-quality investment

8. Emphasises that, in order to ensure intergenerational fairness in the long term, Member States must increase productivity through productive investments, such as in growth-enhancing sustainable infrastructure projects, consistent with the UN Sustainable Development Goals (SDGs), so as to help stimulate much-needed potential economic growth;

9. Welcomes the positive contribution of the Investment Plan for Europe for economic growth and job creation; underlines the fact that Parliament has already adopted its negotiating position on the InvestEU programme and urges that an interinstitutional political agreement be reached as soon as possible; notes the European Court of Auditors' suggestion on improving the geographical spread of investments supported by the European Fund for Strategic Investments (EFSI);

10. Notes that there is still an investment gap in the euro area, despite the positive results of the Investment Plan for Europe; points out that in the current context of signs of economic slowdown and rising external risks and challenges, public and private investment play an important role in facilitating growth and convergence at European level;

11. Recalls the need for Member States to distinguish between long-term productive public investment and current expenditure when using budgetary space;

12. Stresses that increasing productivity growth requires investment in skills, innovation, automation, digitalisation, R&D, sustainable mobility and infrastructure, in line with the targets of the Europe 2020 strategy; emphasises the need to invest in both physical and human capital, and thereby calls on the Member States to ensure equal access to lifelong education, upskilling and retraining;

13. Considers that reforms removing disproportionate red tape to investments would both facilitate economic activity and create conditions conducive to long-term growth;

14. Stresses that intra-European foreign direct investment can lead to productivity gains for both the investing firm and local firms in the host regions, and helps generate economic convergence within Europe; considers that clear and enforceable rules, a level playing field and reduced compliance costs are crucial factors for attracting investment;

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15. Highlights the urgent need for a fully-fledged capital markets union, as better integrated financial markets could provide for further private risk-sharing and risk-reduction mechanisms, facilitate cross-border investments and access to finance for the real economy, and promote sustainable private investments;

Focusing reform efforts on productivity growth, inclusiveness and institutional quality

16. Recalls that an ageing workforce may become a drag on European productivity growth over the next few decades, all things being equal; remains concerned about the EU's low competitiveness and productivity growth and urges the Member States, therefore, to implement productivity-enhancing and socially-balanced structural reforms;

17. Stresses the urgent need to review both the adequacy and long-term financial sustainability of national public pension schemes; underlines the need to reform the pension systems in the Member States concerned so as to ensure long-term sustainability;

18. Shares the Commission's view that higher productivity growth and inclusiveness should be an important objective of national reforms;

19. Stresses the importance of increasing the labour force participation rate in order, *inter alia*, to help keep social security systems sustainable, particularly in the context of an increasing dependency ratio; calls on the Member States, therefore, to adopt measures encouraging the labour market integration of young people not in education, employment or training (NEETs) and refugees;

20. Notes that excessive taxation can be a hindrance to investments and jobs; calls for a tax shift away from the high tax burden on labour in Europe; considers, moreover, that reducing the tax burden for low and middle incomes is likely to increase demand and boost growth; stresses the need to improve tax collection and better coordinate the administrative practices in the field of taxation, and welcomes the efforts of those Member States implementing such reforms;

21. Emphasises that digitalisation, globalisation, artificial intelligence, automation and technological change offer great growth potential, are radically transforming our labour markets, and are affecting the growth dynamics of European economies;

22. Highlights the fact that mobilising a diminishing working-age population will require more versatile and skilled employees, more dynamic labour markets, active labour market policies, lifelong learning and training of and upskilling and retraining of the labour force, and stronger links between education and training systems and businesses, combined with accessible social security systems; insists that due account be taken of these principles with a view to supporting inclusive and well-functioning labour markets and promoting job quality, as outlined in the European Pillar of Social Rights;

23. Highlights the fact that small and medium-sized enterprises (SMEs), which are an important driver of employment, are unable to fully harness the potential of the European single market on account of legislative and administrative barriers; urges the Commission to reduce these barriers; urges the Commission, moreover, to tackle unfair competition and taxation among SMEs and multinational corporations; emphasises the importance of continuing the fight against tax fraud, evasion and avoidance;

24. Recalls the importance of a business-friendly administrative and regulatory environment whilst taking into account sufficient consumer protection, in order to make it easier for companies to access finance and raise funds across borders; welcomes the Annual Growth Survey's emphasis on the need to improve the effectiveness of public administration, which should involve all levels of government; urges the Member States to remove unnecessary obstacles to private and public investment at local and regional level;

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25. Emphasises that coping with potential future shocks requires progress in deepening the EMU; recalls that deepening the EMU will require strong political commitment, efficient governance and democratic accountability; recalls the importance of a resilient banking sector and its efficient and appropriate regulation to safeguard financial stability; calls for a step-by-step completion of the banking union, with a credible European deposit insurance scheme and continued efforts to reduce non-performing loans; takes note of the mandate given by the Euro Summit to the Eurogroup to work on a budgetary instrument for convergence and competitiveness;

Ensuring macroeconomic stability and sound public finances

26. Points out that macro-financial stability and sound public finances remain a precondition of sustainable growth;

27. Notes that a higher proportion of elderly people entails higher spending on healthcare, old-age care and pensions; further notes that in an ageing society, everything else being equal, the proportion of working-age people is falling in relation to the proportion of elderly people, meaning that there are fewer working-age contributors per elderly person; emphasises that this places a massive burden on the public finances of those Member States which have not implemented the necessary reforms, challenging their sustainability;

28. Calls for those Member States with high levels of deficits and public debt to undertake continuous efforts to reduce them; acknowledges the efforts made by a number of Member States to consolidate their public finances, but regrets the fact that some have missed the opportunity to carry out the necessary reforms; points out that some Member States with good fiscal space have consolidated even further, thereby contributing to the euro area's current account surplus;

29. Welcomes the Commission's efforts to encourage those Member States with current account deficits or high external debt to improve their competitiveness, and those with large current account surpluses to promote demand by increasing wage growth in line with productivity growth and to foster productivity growth by promoting investment;

30. Urges the Member States to build the appropriate fiscal buffers for current and future generations; calls for a consistent implementation of and compliance with the Stability and Growth Pact (SGP), including its flexibility clauses, in order to safeguard responsible public finances; recalls the importance of a consistent implementation of fiscal rules for ensuring the trust of financial markets, which is fundamental for attracting investment;

31. Welcomes the European Fiscal Board's proposal for a radical simplification of the budgetary rules to further improve the current EU fiscal framework; stresses that flexibility, as built into the rules of the SGP, allows Member States to strike a good balance between the objective of ensuring prudent fiscal policy and facilitating productive investments; calls on the Commission to take all country-specific factors into account for the purposes of its debt sustainability analyses;

National ownership

32. Recalls that the degree of implementation of the country-specific recommendations is too low; believes that the focus of the European Semester should be on national ownership; urges national and regional parliaments to debate country reports and country-specific recommendations and to engage with the relevant actors; points out that a more streamlined and more focused European Semester could increase ownership;

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

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P8_TA(2019)0202

European Semester for economic policy coordination: employment and social aspects in the Annual Growth Survey 2019**European Parliament resolution of 13 March 2019 on European Semester for economic policy coordination: Employment and Social Aspects in the Annual Growth Survey 2019 (2018/2120(INI))**

(2021/C 23/12)

The European Parliament,

- having regard to the Commission communication of 21 November 2018 entitled ‘Annual Growth Survey 2019: For a stronger Europe in the face of global uncertainty’ (COM(2018)0770),
- having regard to the Sustainable Development Goals adopted by world leaders in September 2015 and endorsed by the Council, which voiced its commitment to their implementation,
- having regard to the European Pillar of Social Rights proclaimed by the European Council, the European Parliament and the European Commission in November 2017,
- having regard to the draft Joint Employment Report from the Commission and the Council of 21 November 2018 accompanying the Commission communication on the Annual Growth Survey 2019 (COM(2018)0761),
- having regard to the Commission recommendation of 21 November 2018 for a Council recommendation on the economic policy of the euro area (COM(2018)0759),
- having regard to the Commission report of 21 November 2018 entitled ‘Alert Mechanism Report 2019’ (COM(2018)0758),
- having regard to the Commission communication of 21 November 2018 entitled ‘2019 Draft Budgetary Plans: Overall Assessment’ (COM(2018)0807),
- having regard to its resolution of 29 November 2018 on the situation of women with disabilities ⁽¹⁾;
- having regard to its resolution of 15 November 2018 on care services in the EU for improved gender equality ⁽²⁾,
- having regard to its resolution of 25 October 2018 on the employment and social policies of the euro area ⁽³⁾,
- having regard to its resolution of 14 March 2018 on the European Semester for economic policy coordination: employment and social aspects in the Annual Growth Survey 2018 ⁽⁴⁾,
- having regard to the opinion of the European Economic and Social Committee on the digital gender gap,
- having regard to the debate with representatives of national parliaments on the priorities of the 2018 European Semester,
- having regard to Rule 52 of its Rules of Procedure,

⁽¹⁾ Texts adopted, P8_TA(2018)0484.

⁽²⁾ Texts adopted, P8_TA(2018)0464.

⁽³⁾ Texts adopted, P8_TA(2018)0432.

⁽⁴⁾ Texts adopted, P8_TA(2018)0078.

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- having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0162/2019),
- A. whereas the employment rate for those aged between 20 and 64 stood at 73,2 % in 2017, indicating that the EU is well on track to reach the 75 % employment rate target specified in the Europe 2020 strategy;
- B. whereas decent jobs with employment security are an important factor in the fight against social exclusion and should be promoted to help tackle unemployment across the EU, as well as to boost domestic demand and stimulate growth; whereas the proportion of part-time workers increased from 16,8 % to 18,7 % of the total in employment from 2008 to 2017, with higher levels and a greater increase for younger people;
- C. whereas there are substantial disparities in employment rates across the EU between Member States but also within them, as well as disparities in the quality of employment;
- D. whereas while long-term unemployment and youth unemployment rates are declining at EU level, they remain high in a number of Member States;
- E. whereas the youth unemployment rate at EU level stands at 18,6 % and remains higher than it was in 2008; whereas according to the European Foundation for the Improvement of Working and Living Conditions (Eurofound), young people not in employment education or training (NEETs) are estimated to cost the EU EUR 153 billion per year while the total estimated cost of establishing the Youth Guarantee is EUR 21 billion per year; whereas an amount of EUR 2 billion is currently allocated to the Youth Guarantee for the period 2017-2020;
- F. whereas as new forms of work emerge and expand, including platform and own-account work, social protection traditionally geared to covering workers in full-time open-ended contracts will need to be modernised and adapted;
- G. whereas the increase in the employment rate in Member States has been accompanied by an increase in atypical, precarious and non-formal forms of employment, zero-hours contracts included, the weakening of social dialogue, and, in some Member States, a decentralisation of collective bargaining impacting negatively on workers' rights;
- H. whereas the most precarious jobs are those where individuals are unable to enforce their rights, where social insurance protection is absent, where health and safety is put at risk and where work does not provide sufficient income to enable people to live decently; whereas insecurity is another key element of precariousness and encompasses work uncertainty, income insufficiency, lack of protection against dismissal, unknown duration of employment and uncertainty about future employment;
- I. whereas although income inequality in the EU decreased slightly in 2017, in-work poverty remains unacceptably high, standing at 9,6 % of the working population, and mainly affects women;
- J. whereas the total number of people at risk of poverty or social exclusion (AROPE) stands at 22,5 % and, while this is below pre-crisis levels, the Europe 2020 headline target of reducing AROPE numbers by 20 million remains far from being reached; whereas the AROPE rate for children continues to decline but is still unacceptably high; whereas the AROPE rate for children from single-parent households is twice the average for children overall; whereas high levels of inequality reduce the output of the economy and the potential for sustainable growth;
- K. whereas globalisation has helped to drive economic growth but its benefits are unequally shared both between and within Member States; whereas the inclusiveness of Europe's growth model should be re-examined and needs to be reinforced, particularly in terms of social and environmental sustainability;

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- L. whereas the report by the Intergovernmental Panel on Climate Change (IPCC) stresses the urgency of actions to fight climate change, which may become irreversible within three years; whereas budgets should be made available at all levels of governance (both public and private investment) to modernise and decarbonise industry, transport and energy;
- M. whereas the EU economy is now entering its sixth year of continuous growth, recovery in investment, rising consumer demand and increased job creation, and while the dispersion of growth rates across the euro area is the smallest in the history of the EMU; whereas it is nonetheless regrettable that the benefits of growth are not equally shared;
- N. whereas household incomes have grown more slowly than GDP and this raises questions about the inclusiveness of recent growth;
- O. whereas demographic change and increasing life expectancy present the pension, healthcare and long-term care systems with very significant challenges relating to sustainability and adequacy;
- P. whereas a well-functioning social dialogue is a key element of the European social market economy which strengthens social cohesion and reduces conflicts in society, to the mutual benefit of workers, employers and governments;
- Q. whereas the inclusion of the European Pillar of Social Rights in the European Semester as from 2018 has helped to foster inclusive growth and employment and reduce macroeconomic imbalances;
- R. whereas the European Semester should contribute to the completion of the European Pillar of Social Rights in order to ensure equal treatment and equal opportunities for women and men, as well as to uphold the right to equal pay for equal work for women and men and the right of access to good-quality, affordable healthcare;
- S. whereas the 80 million Europeans with disabilities, as well as a number of specific groups including marginalised young people and communities, those with chronic diseases and those from minority communities face specific barriers to accessing employment and are at greater risk of poverty and social exclusion; whereas civil society organisations make an essential contribution in providing services for inclusion as well as ensuring representation in policymaking;
- T. whereas persisting health inequalities and an increasing burden of chronic diseases are leading to high levels of premature mortality across the EU while affecting the workforce, productivity and welfare systems;
- U. whereas the principle of gender equality is a core value of the EU and is enshrined in Articles 8 and 19 of the Treaty on the Functioning of the European Union, which lay down the obligation to eliminate inequalities, promote gender equality and combat discrimination on grounds of sex, as well as to ensure gender mainstreaming in all EU policies and activities;
- V. whereas the employment rate of women in 2017 was 66,5 %, yet the gender employment gap remains substantial at 12 %, as do the gender pay gap and, consequently, the gender pension gap; whereas more women than men suffer poverty and women are at greater risk of social exclusion in old age, standing to earn almost 40 % less in pension income due to the accumulation of gender inequalities over their lifespan, and this poses a challenge to many women and to society; whereas equal participation in the labour market for both men and women can be facilitated by access to affordable and good-quality care services;
- W. whereas the presence of more women in decision-making positions would enhance gender equality;

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- X. whereas informal or family carers are at greater risk of experiencing poverty, both during their period of caring and when accessing pension entitlements; whereas family carers are predominantly women; whereas 80 % of care in the EU is provided by unpaid informal carers, of whom 75 % are women;
- Y. whereas the quality of care services varies widely within and among Member States, private and public facilities, rural and urban areas and different age groups; whereas women are affected by cuts to public services, including healthcare, education and housing, both directly as service users and employees, and indirectly through their support for family members who rely on core public services;
- Z. whereas women are more likely to take career breaks owing to their role within the family, and whereas it is more often women who stop work to care for a child or sick relative; whereas this role that women play can impede their careers; whereas there are ongoing discussions on work-life balance;
- AA. whereas significant progress has been made towards reaching the 2020 headline target of an early school leaving rate of 10 % and on reaching the target of 40 % for tertiary education attainment, but large disparities still persist between Member States; whereas Member States should be encouraged to increase the accessibility and public acceptance of vocational training while ensuring that the quality of tertiary education remains a priority in achieving the 2020 headline targets;
- AB. whereas in the digital era, digital skills are essential for all personal or professional tasks and yet more than 40 % of adults in the EU do not have basic digital skills; whereas 60 million adults lack basic literacy and numeracy skills; whereas the gender gap when measuring digital skills above the basic level stands at 12,9 %;
- AC. whereas low-skilled and older workers are significantly less likely to participate in reskilling and training programmes; whereas micro, small and medium-sized enterprises (MSMEs) often lack resources to organise training and reskilling for their employees;
- AD. whereas housing exclusion, homelessness and housing affordability represent a significant challenge in many Member States, with no fewer than ten recording overcrowding rates above the European average; whereas housing is the highest expenditure item for Europeans, and housing prices are rising faster than incomes in most Member States; whereas inequality and housing exclusion are mutually reinforcing, with women, children and people with a migrant background being particularly vulnerable to housing exclusion and homelessness;
- AE. whereas long-term challenges, such as population ageing, digitalisation and its impacts on work, climate change and unsustainable use of natural resources, remain pressing;
1. Acknowledges the progress made regarding the Social Scoreboard, but notes that most Member States face challenges on at least one headline indicator and that 10 % of all assessments are identified as 'critical situations';
2. Emphasises that the EU's social goals and commitments are just as important as its economic goals; stresses that the need to invest in social development is not just a means of guaranteeing that economic growth and convergence can be achieved, but must also be a specific target in itself; welcomes the recognition of the importance of the social pillar and the need to strengthen the EU's social dimension as well as responding to inequalities within and between regions; calls on the Commission and the Member States to reinforce social rights by implementing the European Pillar of Social Rights (EPSR) in such a way as to build a real social dimension for the EU, including by taking note of recent studies⁽¹⁾ and by improving the political visibility and impact of the scoreboard of key employment and social indicators while delivering on all country-specific recommendations, including those aimed at transformative actions towards a more socially, economically and environmentally sustainable union; calls on the Commission to use the EPSR's 20 principles as markers for assessing countries' success in integrating their commitment to it into their economic policies, as well as to strengthen its social situation monitoring capacity;

(1) See the reports by the OECD ('In it together: why less inequality benefits all', 2015) and the IMF ('Causes and consequences of income inequality', June 2015).

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3. Calls for a full commitment by the European Semester to the EPSR, emphasising equal treatment and opportunities between women and men, the right to equal pay for work of equal value, and the right to high-quality, affordable care services;
4. Points out that Member States are faced with structural challenges in the labour market such as low participation, labour market segmentation and skills and qualification mismatches; notes that there is a growing need for effective measures for the integration and reintegration of inactive labour, including migrants, in the labour market;
5. Calls for greater consistency within the European Semester, including ensuring that issues highlighted in the Joint Employment Report are adequately taken up in the Annual Growth Survey and the country-specific recommendations and that priorities are sustained from one year to the next unless they are deemed resolved;
6. Notes that all Member State economies are forecast to continue growing but at a slower pace; highlights the need to bridge the investment gap for research and innovation in infrastructure, including social, health and care services as well as health promotion and disease prevention and decent, energy-efficient housing, as well as in human capital; calls on the Commission and the Member States to maximise their efforts in investing in affordable, accessible and targeted high-quality education and training, reinforcing upskilling and reskilling measures including digital and transferable skills, and to promote lifelong learning and skills development; highlights the importance of addressing particular measures to women and girls, who are still underrepresented in the digital and science, technology, engineering and mathematics (STEM) sectors, and of reinforcing the initial training and continuous professional development of teachers and trainers; calls on the Member States to strengthen their vocational education, apprenticeship and training systems and reality-based learning while improving their alignment with current and anticipated labour market needs; furthermore notes the importance of skills and competences gained in informal learning environments, and calls on Member States to create validation systems for informal skills, especially those acquired through voluntary activities;
7. Shares the Commission's opinion that the current economic growth should translate into frontloading of investment in the decarbonisation of Europe's industry, transport and energy systems; calls on the Commission and the Member States, therefore, to step up efforts to provide adequate and accessible training for the right set of skills, including support to businesses in training, retraining, and upskilling of the workforce as well as the readaptation of education and training systems;
8. Notes that in some Member States unemployment remains high due to a lack of growth and structural weakness that derive to a large extent from ineffective and, in many cases, rigid labour market regulatory frameworks;
9. Notes that despite improvements, there are substantial differences between Member States and regions in terms of economic recovery and progress, arising from pre-existing structural weaknesses in several Member States, notably in the field of employment and productivity; believes in this regard that gradual convergence across the EU also needs to address divergence within Member States, as regional disparities have an impact on European growth potential since many policies and services are delivered at a regional level;
10. Considers that, as well as being used as a guide for policy recommendations, the scoreboard attached to the social pillar should be used as an example for similar analyses of performance of individual countries in relation to environmental and climate change policies, so that they can be assessed at a similar level of rigour;
11. Calls on the Commission and the Member States to carefully examine the issue of in-work poverty and to propose solutions at both EU and national level to counter this most insidious issue; believes that immediate and coordinated action must be taken to reverse this trend, which threatens to fragment social cohesion and intergenerational solidarity; reiterates its concern at the high number of people at risk of poverty and social exclusion despite the decreasing trend; is especially worried about the high rates of child poverty, rural poverty and poverty in old age, which affect considerably more women

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than men; asks the Commission and the Member States to adopt all necessary measures to significantly reduce poverty, particularly child poverty; calls on the Commission and the Member States to give greater recognition to the work and expertise of NGOs, anti-poverty and social inclusion organisations and people experiencing poverty themselves, encouraging their participation in the exchange of good practices; points out that high levels of inequality diminish economic output and the potential for sustainable and inclusive growth;

12. Recalls that decent wages are important not only for social cohesion, but also for maintaining a strong economy and a productive labour force; calls on the Member States to implement measures to improve job quality and reduce wage dispersion, including by raising wage floors also in the form of, where applicable, minimum wages set at decent levels; in this context, calls for policies that respect, promote and strengthen collective bargaining and workers' position in wage-setting systems, since this plays a critical role in achieving high standards of working conditions; believes all this should be done with a view to supporting aggregate demand and economic recovery, reducing wage inequalities and fighting in-work poverty; stresses in this context that European legislation and policies must respect trade union rights and freedoms, comply with collective agreements and uphold equal treatment of workers;

13. Stresses that while unemployment rates in the EU are at their lowest level, the job vacancy rate in the Union was 2,2 % in 2018, up from 1,9 % in 2017; notes with concern that skills mismatches are considerable; recalls that the role of the Member States is to guarantee access to quality education and training; calls on the Member States to prioritise public investment in order to ensure that everyone can enjoy their right to quality and inclusive education and training; believes that career counselling and training can act as a driver of sustainable and inclusive growth; stresses that convergence between qualifications and skills with job opportunities is a precondition for creating a competitive EU labour market and should be tackled by facilitating closer cooperation between education systems and businesses and trade unions, for example by promoting dual education, apprenticeships, work-based learning and reality-based learning in all forms and at all levels of education, including higher education;

14. Calls on the Commission to further support the job mobility portal EURES and other programmes which facilitate learning and training mobility; notes that mutual recognition of qualifications enhances employment opportunities, especially in countries with high job vacancy rates;

15. Underlines that the integration of long-term unemployed individuals through individually tailored measures is a key factor for fighting inequalities, poverty and social exclusion and will ultimately contribute to the sustainability of national social security systems; calls, in this connection, for more effort to be made to cultivate skills relevant to the labour market, as well as for a significant increase in the share of practice-oriented training in order to achieve the objective of employability; considers it necessary to take into account the social situation of these citizens and their needs, particularly in terms of sufficient incomes, adequate housing, public transport, health and childcare, as well as to ensure better monitoring at European level of the policies implemented at national level;

16. Calls on the Member States to ensure that NEETs, including young people with disabilities and those with complex needs, can, in line with the recommendations of the European Commission and the European Court of Auditors, avail of and benefit from the Youth Guarantee in a real and meaningful way; highlights the importance of addressing the current shortcomings affecting the quality of offers and the outreach of the scheme; believes that further efforts should be made to establish quality standards, provide continued and increased financial support through both EU funding instruments and national budgets, and ensure the meaningful involvement of young people and youth organisations in the design, implementation and monitoring of measures under the Youth Guarantee; stresses the need to recognise that by reason of age criteria a number of those unemployed or underemployed when young have not been included in measures specifically targeting younger workers, and therefore need the opportunity to update their skills; stresses that education is the key to avoiding poverty; considers that increased training in basic digital skills, such as the use of digital media and a basic knowledge of programming, is essential in educational institutions; stresses in this connection the need for adequate

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technical equipment in educational establishments with appropriate digital infrastructure; calls on the Commission and the Member States, without further delay, to implement the dual training system which is established as a leading model in the EU, while recognising the need to adapt it to Member States' own systems;

17. Emphasises that it is important to monitor the percentage of the total population aged between 15 and 24 considered to be NEETs, in addition to other auxiliary indicators, and to focus in particular on young women and girls, as there is a major difference between the sexes when it comes to the proportion of young people who are not in employment, education or training;

18. Notes that the EU continues to suffer from structural problems that need to be addressed; underlines the crucial need to boost domestic demand by promoting public and private investment as well as socially and economically balanced structural reforms that reduce inequalities and promote quality and inclusive jobs, sustainable growth and social investment and responsible fiscal consolidation, thus contributing to ensuring a favourable path towards more cohesion and an upward social convergence environment for businesses and public services, with a view to creating more quality jobs while balancing the social and economic dimensions; stresses that those priorities will only be achieved if investment in human capital is prioritised as a common strategy;

19. Highlights that socially responsible reforms must be based on solidarity, integration, social justice and a fair distribution of wealth, thus creating a model that ensures equality and social protection, protects vulnerable groups and improves living standards for all citizens; stresses, in addition, the need to reorientate the Union's economic policies towards a social market economy;

20. Calls on the Commission to carry out a gender impact assessment of the structural reforms;

21. Calls on the Commission and all Member States to initiate and/or strengthen the regulation of new forms of work; expresses concern, in this context, about the coverage of atypical workers and self-employed workers, who often do not have full access to the social protection system; calls on the Commission and the Member States to develop and promote measures having proven effectiveness in reducing undeclared work, enabling the recognition of domestic and care workers' labour rights, and improving working conditions; calls on the Member States and the Commission to ban zero-hour contracts;

22. Calls on the Member States to increase the coverage and effectiveness of active labour market policies, including by making them more results-oriented and by working in close cooperation with the public employment services, the social partners and other relevant stakeholders, including civil society where appropriate;

23. Highlights the importance of the automatic stabilisation dimension of welfare systems in absorbing social shockwaves caused by external factors such as recessions; calls, therefore, on the Member States to introduce policies to re-establish security in employment by providing proactive protection, including in cases of dismissal; calls on the Member States, in addition, in the framework of ILO Recommendation No 202 defining social protection floors, to ensure and increase investment in social protection systems in order to guarantee their performance in tackling and preventing poverty and inequalities while ensuring their sustainability;

24. Calls on the Commission and the Member States to step up efforts for the further inclusion of people with disabilities in the labour market, by removing legislative barriers to creating incentives for their employment and ensuring the accessibility of workplaces by greater use of new assistive technologies to enable, for example, communication and mobility for people with disabilities; calls on the Commission and the Member States, furthermore, to step up efforts to ensure increased inclusion in the labour market of those who are furthest away from it, such as single parents, informal carers, people with long-term illnesses, disability, health problems or complex chronic diseases, migrants and refugees, and people from ethnic and religious minorities; calls on the Member States to increase efforts to upskill workers and to promote decent jobs leading to quality employment;

25. Calls on the Commission and the Member States to ensure that all actions for the inclusion of Roma are in line with the general principles of the agreed National Roma Integration Strategies;

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26. Notes that micro-enterprises and small and medium-sized enterprises (MSMEs) are extremely important for sustainable and inclusive development, economic growth and job creation in Europe; calls for further support to enable MSMEs to organise relevant training for their employees; calls on the Commission and the Member States to give greater and better consideration to the interests of MSMEs in the policymaking process by creating the right regulatory framework for businesses, including small enterprises and micro-enterprises, to create jobs, for example by implementing smart regulation;

27. Calls on the Commission and the Member States to step up their efforts to ensure fairer taxation, including in the digital economy, since this is a prerequisite for promoting more favourable inclusion;

28. Is concerned that such little attention was given to work-life balance in the Annual Growth Survey; calls on the Member States and the Commission to take all necessary measures to improve work-life balance and boost gender equality; calls for the development of accessible and affordable high-quality care services throughout the life cycle, as well as childcare and early education services, while continuing to pursue the attainment of the 2002 Barcelona childcare targets and ensure legislation promoting flexible work arrangements; calls for the recognition of informal carers, as well as improved working conditions, and adequate forms of support and recognition of the important work of family carers, who deliver the greatest part of care in the EU, by, for example, offering pension and social security coverage as well as recognition of training and informal skills; calls for the promoting of flexible working arrangements and take-up of advantageous maternity, paternity, parental and carer's leave; recognises that this issue requires a multifaceted response and calls on the Member States to address it as a matter of urgency; is of the strong opinion that the adoption of the directive on work-life balance for parents and carers is a necessary step towards improved work-life balance;

29. Calls on the Member States to improve gender equality in relevant sectors and in businesses while placing a special emphasis on disabled women, as they are particularly vulnerable in the labour market;

30. Is concerned that the labour market is vertically and horizontally segregated throughout the EU, that there are pay and pension gaps between women and men, and that few women are involved in decision-making; emphasises that the employment rate of women is still below that of men; emphasises, furthermore, that this divergence in the employment rate is particularly marked among mothers and women with care responsibilities;

31. Calls on the Commission and the Member States to ensure greater inclusion of a gender mainstreaming perspective in the development of country-specific recommendations, stability and convergence programmes and national reform programmes, by introducing qualitative targets and measures that address persistent gender gaps, and to systematically apply the principle of gender budgeting;

32. Calls on the Member States to set specific quantitative targets in their national reform programmes (NRPs) regarding women's employment in general;

33. Calls on the Commission and the Council to introduce a gender equality pillar in the 2020 Strategy, as well as an overarching gender equality objective;

34. Calls on the Commission to include the Gender Equality Index as one of the European Semester's tools for monitoring progress in the area of employment and social targets;

35. Calls on the Commission and the Member States to monitor women's labour force participation; calls, furthermore, on the Member States to unblock the Women on Boards Directive;

36. Calls on the Member States and the Commission to remove all constraints on women participating in the labour market and to eliminate all tax-related gender biases and other incentives that perpetuate unequal gender roles;

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37. Calls for policies that support entrepreneurship among women, giving them access to financing and business opportunities by providing them with bespoke training and by introducing measures to ensure a fair work-life balance;

38. Highlights the fact that gender discrimination is still a persisting problem, as evidenced by the gender pay gap (with the average gross hourly earnings of male employees about 16 % higher than those of female employees) and the pension gap of 37 %; stresses that the pension gap, which is the most important indicator of gender inequality, is due to the under-representation of women in well-paid sectors, discrimination in the labour market and the high proportion of women in part-time work, as well as the lack of adequate mechanisms for reconciliation of family and work-related obligations between men and women;

39. Recalls that the change in the age composition and related increase in life expectancy of the population requires the adaptation of pension systems, and in some Member States the implementation of appropriate reforms, in order to ensure sustainable and adequate pensions; reiterates its call for care credits in pension systems to compensate for lost contributions of women and men due to childcare and long-term care responsibilities, as a tool to reduce the gender pay and pension gap and safeguard intergenerational equity; calls on the EU and the Member States, in cooperation with the social partners and gender equality organisations, to set out and implement policies to close the gender pay and pension gap; calls on the Member States to carry out wage-mapping on a regular basis as a complement to these efforts; reminds the European Council to consider using the gender equality annual report in the context of the European Semester in order to enhance gender mainstreaming;

40. Highlights that universal access to public, solidarity-based and adequate retirement and old age pensions must be granted to all; acknowledges the challenges faced by Member States to strengthen the sustainability of pension systems, but stresses the importance of safeguarding solidarity in those systems; believes that the best way to ensure sustainable, safe and adequate pensions for women and men is to increase the overall employment rate and create more quality jobs across all ages, improving working and employment conditions, and to commit the necessary supplementary public spending; believes that reforms of pension systems should focus, among other things, on the effective retirement age, and should reflect labour market trends, birth rates, the health and wealth situation, working conditions and the economic dependency ratio; considers that these reforms must also take account of the situation of millions of workers in Europe, particularly women, young people and the self-employed, who are suffering from insecure, atypical employment, periods of involuntary unemployment or reductions in working time;

41. Notes that social and healthcare services are essential to support the fight against poverty and social exclusion, and calls on the Commission and the Member States to provide investment and fiscal space to develop those services so as to ensure that they are affordable, accessible and of high quality;

42. Deplores the failure to include the housing crisis among the top policy priorities for 2019, and calls on the Commission and the Member States to make better use of the Semester to monitor and support progress on housing affordability and homelessness as fundamental issues of concern; calls on the Commission, as a first step, to include the European Union Statistics on Income and Living Conditions (EU-SILC) indicator 'housing cost overburden' as part of the social scoreboard, in line with principle 19 of the EPSR; stresses that the high overcrowding rates among young people (15-29-year olds) have an adverse effect on education, personal and professional development and quality of life; believes that priority should be given to allocating public funding to young people not living in decent conditions;

43. Is of the opinion that cohesion policy, as one of the main investment policies of the European Union, has demonstrated its effectiveness in increasing social cohesion and reducing inequalities; encourages Member States to make full use of the funding available for the implementation of the EPSR;

44. Reiterates its call on the Commission to support the Member States in making greater use of structural funds for investment in public care structures and services for children, the elderly and other dependents in order to facilitate women's return to the labour market and ensure a fair work-life balance;

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45. Recalls that the Annual Growth Survey favours a number of areas of social investment, including health, long-term care systems and public housing; stresses that the European Economic and Social Committee has argued for the many positive effects of well-planned, effective and efficient future-oriented social investment;
 46. Calls on the Member States, the Commission and the European Parliament to give greater recognition to the expertise of NGOs in the social field by working towards a civil dialogue, in line with Article 11 of the Treaty on European Union, in the framework of the Semester process;
 47. Instructs its President to forward this resolution to the Council and the Commission.
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Human rights situation in Kazakhstan**European Parliament resolution of 14 March 2019 on the human rights situation in Kazakhstan (2019/2610(RSP))**

(2021/C 23/13)

The European Parliament,

- having regard to its resolution of 12 December 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part ⁽¹⁾ and to its resolution of 10 March 2016 on Freedom of Expression in Kazakhstan ⁽²⁾,
 - having regard to its legislative resolution of 12 December 2017 on the draft Council decision on the conclusion, on behalf of the Union, of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part ⁽³⁾,
 - having regard to its previous resolutions on Kazakhstan, including those of 18 April 2013 ⁽⁴⁾ and 15 March 2012 ⁽⁵⁾, and that of 17 September 2009 on the case of Yevgeny Zhovtis in Kazakhstan ⁽⁶⁾,
 - having regard to the Enhanced Partnership and Cooperation Agreement (EPCA) signed in Astana on 21 December 2015,
 - having regard to its resolutions of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia ⁽⁷⁾, and of 13 April 2016 on implementation and review of the EU-Central Asia Strategy ⁽⁸⁾,
 - having regard to the Council conclusions of 22 June 2015 and 19 June 2017 on the EU Strategy for Central Asia,
 - having regard to the annual EU-Kazakhstan Human Rights Dialogues,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 21 December 2015, the European Union and Kazakhstan signed an Enhanced Partnership and Cooperation Agreement (EPCA) aimed at providing a broad framework for reinforced political dialogue and cooperation in home and justice affairs and in many other areas; whereas this agreement places a strong emphasis on democracy and the rule of law, human rights and fundamental freedoms, the principles of the market economy and sustainable development, and civil society cooperation, including involvement of civil society in public policymaking;
- B. whereas Kazakhstan joined the European Commission for Democracy through Law (Venice Commission) in March 2012;
- C. whereas the government of Kazakhstan appears not to have taken any steps to revise the broadly formulated provisions of the Criminal Code's Article 174, which bans 'inciting' social, national or other discord, and Article 274, which prohibits 'spreading information that is known to be false,' but continues to use those provisions as a basis to charge and imprison civil society activists and journalists;

⁽¹⁾ OJ C 369, 11.10.2018, p. 2.

⁽²⁾ OJ C 50, 9.2.2018, p. 38.

⁽³⁾ OJ C 369, 11.10.2018, p. 179.

⁽⁴⁾ OJ C 45, 5.2.2016, p. 85.

⁽⁵⁾ OJ C 251 E, 31.8.2013, p. 93.

⁽⁶⁾ OJ C 224 E, 19.8.2010, p. 30.

⁽⁷⁾ OJ C 168 E, 14.6.2013, p. 91.

⁽⁸⁾ OJ C 58, 15.2.2018, p. 119.

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- D. whereas the number of political prisoners in Kazakhstan has increased; whereas in 2016, peaceful rallies against changes to the Land Code took place in different regions of Kazakhstan, resulting in the detention of more than 1 000 participants (including 55 journalists), of whom more than 30 were subsequently arrested; whereas the UN Working Group on Arbitrary Detention acknowledged the arbitrary nature of detention, lack of a fair trial and gross violations of rights in some cases; whereas civil society activist Maks Bokayev is serving a prison term for his legitimate participation in this peaceful mass rally;
- E. whereas the government of Kazakhstan cooperated with the high-level International Labour Organisation (ILO) mission, and committed to implement a road map to address ILO concerns, but has not taken meaningful steps to implement provisions of the roadmap such as amending the trade union law; whereas, equally, it has not implemented the earlier recommendations of the ILO Committee on the Application of Standards to review the trade union law and the Labour Code and to take all necessary measures to ensure that the Confederation of Independent Trade Unions of Kazakhstan (CITUK) and its affiliates are able to fully exercise their union rights;
- F. whereas trade union activists Nurbek Kushakbaev and Amin Eleusinov were released on parole in May 2018, but remain banned from union activities; whereas activist Larisa Kharkova faces similar restrictions, as well as continued judicial harassment, and Erlan Baltabay, another trade union activist from Shymkent, is under criminal investigation on questionable charges;
- G. whereas new NGO legislation has tightened accounting rules for civil society organisations; whereas human rights organisations are subjected to tax pressure in connection with grants received from international donors;
- H. whereas freedom of religion and belief has been severely undermined; whereas religious beliefs are used by the authorities as a pretext for arbitrary detention; whereas Saken Tulbayev was incarcerated after being accused of 'inciting religious hatred';
- I. whereas on 13 March 2018 the authorities banned the peaceful opposition movement Democratic Choice of Kazakhstan (DCK) and more than 500 persons showing different forms of support for DCK; whereas civil activists Almat Zhumagulov and the poet Kenzhebek Abishev have become victims of the Kazakhstan authorities' fight against DCK and have been sentenced respectively to 8 and 7 years' imprisonment; whereas Ablovas Dzhumayev was sentenced to three years in jail and Aset Abishev to four for criticising the authorities online and supporting DCK;
- J. whereas despite being protected in Kazakhstan's constitution, the right of freedom of association remains largely restricted in the country, and the Law on Public Association continues to require all public associations to register with the Ministry of Justice; whereas in December 2015 new amendments to that law imposed burdensome reporting obligations and state regulation of funding through a government-appointed body; whereas people engaging in activities in unregistered organisations may face administrative and criminal sanctions;
- K. whereas civil society and human rights activists continue to face reprisals and restrictions in their activities, among them being human rights activist Elena Semenova, placed under a travel ban for 'dissemination of knowingly false information' and Shymkent-based activist Ardak Ashim, who was charged with 'inciting discord' for her critical social media posts and subjected to forced psychiatric detention; whereas on 10 May 2018, during the visit of a European Parliament delegation to Kazakhstan, the police resorted to the use of excessive force against peaceful protesters who were trying to meet with Members of the European Parliament; whereas more than 150 people were detained by police and more than 30 protesters were placed under administrative arrest; whereas on 17 and 18 September 2018 the Kazakhstani police detained several activists who wanted to meet with members of the European Parliament delegation;

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- L. whereas new restrictive amendments to the media and information law entered into force in April 2018, access to information on social media continue to be blocked, and Forbes Kazakhstan and Ratel.kz face a criminal investigation opened against them on grounds of ‘dissemination of knowingly false information’; whereas the use of social networks is controlled and restricted by the authorities; whereas bloggers and social network users have been sentenced to imprisonment, among them Ruslan Ginatullin, Igor Chupina and Igor Sychev; whereas blogger Muratbek Tungishbayev was extradited from Kyrgyzstan to Kazakhstan in gross violation of the law and was subjected to ill-treatment in Kazakhstan;
- M. whereas impunity for torture and ill-treatment of prisoners and suspects remain the norm, despite the government having committed to zero tolerance for torture; whereas the authorities have failed to conduct a credible investigation into the allegations of torture during the extended oil sector strike in Zhanaozen in 2011;
- N. whereas the Almaty Prosecutor’s Office found no credible evidence to back up the allegations of torture concerning the businessman Iskander Yerimbetov, sentenced to seven years’ imprisonment on charges of large-scale fraud in October 2018; whereas the UN Working Group on Arbitrary Detention concluded in 2018 that his arrest and detention were arbitrary, called for his release, and expressed concern at the allegations of torture during his pre-trial detention;
- O. whereas high levels of violence against women and traditional patriarchal norms and stereotypes pose major obstacles to gender equality in Kazakhstan; whereas NGOs state that violence against women is under-reported and that there is a low rate of prosecution of cases of violence against women as well as in sexual harassment cases;
- P. whereas LGBTI persons in Kazakhstan face legal challenges and discrimination; whereas both male and female same-sex sexual relations are legal in Kazakhstan, but same-sex couples and households headed by same-sex couples are not eligible for the same legal protections as those applying to opposite-sex married couples;
- Q. whereas Kazakhstan ranks number 143 out of 167 on the World Democracy Index, the country thus being defined as an authoritarian regime;
1. Urges Kazakhstan to abide by its international obligations and respect human rights and fundamental freedoms; calls on the Kazakhstan authorities to put an end to human rights abuses and all forms of political repression, in accordance with the principles of Articles 1, 4, 5 and 235 of the EPCA;
 2. Stresses that the enhancement of political, economic and cultural relations between the EU and Kazakhstan must be based on shared commitments to universal values, in particular, to democracy, the rule of law, good governance and respect for human rights; expects the EPCA to promote a strengthening of the rule of law and democratic participation by all citizens, a more diverse political landscape, a better-functioning, independent and impartial judiciary, increased transparency and accountability of the government, and improvements to the labour laws;
 3. Welcomes the release of a number of political prisoners, namely: Vladimir Kozlov, Gyuzyal Baydalinova, Seytkazy Matayev, Edige Batyrov, Yerzhan Orazalinov, Sayat Ibrayev, Aset Matayev, Zinaida Mukhortova, Talgat Ayan and the Zhanaozen oil workers, as well as trade unionists Amin Eleusinov and Nurbek Kushakbayev, whose freedom nonetheless remains subject to restrictions; welcomes the decision to release Ardak Ashim from the psychiatric clinic; condemns such a brutal measure as punitive psychiatry and calls for the withdrawal of compulsory outpatient psychiatric treatment against Ashim, and of all compulsory medical measures against activist Natalia Ulasik;
 4. Calls for the full rehabilitation and immediate release of all activists and political prisoners currently in jail, in particular Mukhtar Dzhakishev, Maks Bokayev, Iskander Yerimbetov, Aron Atabek, Sanat Bukenov and Makhambet Abzhan and Saken Tulbayev, as well as for the lifting of the restrictions placed on the movements of others;

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5. Urges the government of Kazakhstan to amend Article 174 of the Criminal Code on 'inciting social, national, clan, racial, class, or religious discord' by narrowing it to prevent arbitrary prosecutions that violate human rights norms, as well as Article 274 of the Criminal Code, which broadly prohibits 'spreading information that is known to be false', and to release the activists, journalists and other critical individuals currently detained under those articles;

6. Urges the government of Kazakhstan to end the crackdown on independent trade unions and lift restrictions on their activities, cease politically motivated criminal prosecutions of trade union leaders, and quash the convictions of Larissa Kharkova, Nurbek Kushakbaev, and Amin Eleusinov and allow them to resume their union activities without interference or harassment; also urges the government to address the European Parliament's concerns regarding the criminal investigation against Erlan Baltabay, and to revise the 2014 Trade Union Law and 2015 Labour Code in order to bring them into compliance with ILO standards;

7. Urges the government of Kazakhstan to implement the recommendations of the UN Special Rapporteur on the rights of freedom of peaceful assembly and freedom of association, and to review the Law on Public Association and the conditions for access to funding;

8. Urges the government of Kazakhstan to end all forms of arbitrary detention, reprisals and harassment against human rights activists, civil society organisations and political opposition movements, including against actual or perceived supporters of DVK;

9. Urges the government of Kazakhstan to review the amendments to the media and information law which entered into force this year, place a moratorium on criminal libel, take all necessary steps to repeal the relevant articles in the new Criminal Code relating to criminal libel, establish a cap on civil defamation awards, end the harassment and reprisals against journalists critical of the government, and cease blocking access to information both on-line and offline;

10. Calls for action on the communications from the UN Human Rights Committee, the UN Working Group on Arbitrary Detention and the United Nations Special Rapporteur on Torture; calls for protection for victims of torture, for them to be provided with proper medical care and for the proper investigation of incidents of torture; requests an end to the abuse of Interpol's extradition procedures and the cessation of harassment of the political opposition; urges the government of Kazakhstan to fulfil its pledges of zero tolerance for torture and to ensure that allegations of torture, including those made in the context of the Zhanaozen events, are fully investigated; urges the government to review the case of Iskander Yerimbetov in light of the conclusions of the UN Working Group on Arbitrary Detention, and to ensure that the allegations of torture are duly investigated;

11. Notes the multi-ethnic and multi-religious character of Kazakhstan and stresses the need for the protection of minorities and their rights, in particular with regard to the use of languages, freedom of religion or belief, non-discrimination and equal opportunities; welcomes the peaceful coexistence of different communities in Kazakhstan; urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of conscience and religion; demands the immediate release of persons convicted for holding a belief;

12. Calls on the authorities to combat all forms of violence against women; calls, furthermore, for action to ensure effective and accessible reporting channels and protection measures that are sensitive to victims' needs and confidentiality; urges an end to impunity and action to ensure appropriate criminal sanctions against perpetrators;

13. Insists that the rights of the LGBTI community are fully respected; calls on the government of Kazakhstan to guarantee that the LGBTI community will not face any discrimination;

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14. Calls on Kazakhstan to fully implement the recommendations of the OSCE/ODIHR international observation mission to the 20 March 2016 elections, according to which the country still has a considerable way to go in meeting its OSCE commitments for democratic elections; urges the Kazakh authorities to avoid restricting the activity of independent candidates; urges, furthermore, that citizens' electoral rights be respected;

15. Reiterates the importance of cooperation by the EU and the OSCE in improving good practices of democratic governance in the country, particularly in the field of human rights and the rule of law; urges the Kazakhstan authorities, therefore, to expand the OSCE's mandate in the country, and in particular to restore the mandate of the OSCE Centre in Astana, as an important condition for further cooperation between the EU and Kazakhstan;

16. Calls for the EU, and in particular on the European External Action Service (EEAS), to monitor closely developments in Kazakhstan, to raise concerns with the Kazakh authorities where necessary, to offer assistance, and to report regularly to Parliament; calls on the EU Delegation in Astana to continue to play an active role in monitoring the situation and to raise the issue of freedom of expression in all relevant bilateral meetings; urges the EEAS to proactively engage in trial observation missions, in order to monitor politically sensitive trials and politically motivated prosecutions and verify that the right to a fair trial applies to all;

17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Central Asia, the governments and parliaments of the Member States, and the government and the parliament of Kazakhstan.

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P8_TA(2019)0204

Iran, notably the case of human rights defenders

European Parliament resolution of 14 March 2019 on Iran, notably the case of human rights defenders (2019/2611(RSP))

(2021/C 23/14)

The European Parliament,

- having regard to its previous resolutions on Iran, in particular those of 13 December 2018 on Iran, notably the case of Nasrin Sotoudeh ⁽¹⁾, and 25 October 2016 on the EU strategy towards Iran after the nuclear agreement ⁽²⁾,
 - having regard to the Council conclusions on Iran of 4 February 2019,
 - having regard to the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran of 30 January 2019, and to his statement on Iran of 29 November 2018,
 - having regard to the UN General Assembly resolution of 17 December 2018 on the situation of human rights in the Islamic Republic of Iran,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights of 1966, to which Iran is a party,
 - having regard to the Iranian President's Charter on Citizens' Rights,
 - having regard to the EU Guidelines on Human Rights Defenders,
 - having regard to the statement of 29 November 2018 by UN human rights experts, entitled 'Iran must protect women's rights advocates',
 - having regard to the EU Guidelines on the death penalty, the EU Guidelines on torture and other cruel, inhuman or degrading treatment or punishment, and the EU Human Rights Guidelines on freedom of expression online and offline,
 - having regard to the Council decision of 12 April 2018 to extend its restrictive measures for a further 12 months in response to serious human rights violations in Iran,
 - having regard to the statement by the Spokesperson for the European External Action Service (EEAS) of 12 March 2019 on the conviction of Iranian human rights lawyer Nasrin Sotoudeh,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas human rights defenders, journalists, lawyers and online activists in Iran continue to face harassment, arbitrary arrest, detention and prosecution for their work; whereas the Iranian Ministry of Intelligence and other forces have unleashed a severe clampdown on civil society in the past months;
- B. whereas its resolution of 25 October 2016 on the EU strategy towards Iran after the nuclear agreement stresses the importance of upholding the EU human rights guidelines, including on human rights defenders, in the context of EU-Iran relations;

⁽¹⁾ Texts adopted, P8_TA(2018)0525.

⁽²⁾ OJ C 215, 19.6.2018, p. 86.

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- C. whereas the renowned human rights lawyer Nasrin Sotoudeh was recently sentenced to at least seven years' imprisonment; whereas over the course of two trials it has been reported that her combined sentence could be significantly longer, although the exact length of her jail term remains unclear; whereas the real reason for her imprisonment seems to have been her peaceful defence of human rights in Iran; whereas her trials were not conducted in accordance with basic international standards of due process;
- D. whereas Reza Khandan, Nasrin Sotoudeh's husband, was detained in connection with his support of women who have peacefully campaigned against being forced to wear the hijab and for his wife's release from prison; whereas in January 2019, the Revolutionary Court in Tehran sentenced him to six years in prison;
- E. whereas environmental activists Taher Ghadirian, Niloufar Bayani, Amirhossein Khaleghi, Houman Jokar, Sam Rajabi, Sepideh Kashani, Abdolreza Kouhpayeh and Morad Tahbaz, representing the Persian Wildlife Heritage Foundation, were arrested over the course of January and February 2018, detained without access to a lawyer, and have faced trial in recent weeks in proceedings which fell short of fair trial standards; whereas another member of the group, Iranian-Canadian university professor Kavous Seyed-Emami, died in custody last year in mysterious circumstances;
- F. whereas trade union activists Esmail Bakhshi, Sepideh Gholian and Mohammad Habibi were arrested in 2018 and 2019 after leading protests in favour of the rights of workers and teachers; whereas human rights defender Maryam Akbari Monfared was sentenced to 15 years in prison in 2010 for so-called 'enmity against God' and has been denied medical care while suffering from various illnesses;
- G. whereas activists Arash Sadeghi, Narges Mohammadi and Farhad Meysami have all received long prison sentences for their campaigns on women's rights, abolition of the death penalty and human rights;
- H. whereas Iranian courts regularly fail to provide fair trials, and use confessions obtained under torture as evidence in court; whereas the authorities continue to criminalise human rights activism and use Article 48 of the Iranian Criminal Procedure Law to restrict detainees' access to legal counsel; whereas there are no independent mechanisms for ensuring accountability within the judiciary;
- I. whereas the continuing practice of arrests of EU-Iranian dual nationals, including British-Iranian Nazanin Zaghari-Ratcliffe, is followed by prolonged solitary confinement and interrogations, lack of due process, and long prison sentences based on vague or unspecified 'national security' and 'espionage' charges, as well as state-sponsored smear campaigns against the imprisoned individuals;
- J. whereas numerous cases of inhumane and degrading conditions in prisons and lack of adequate access to medical care during detention in Iran have been reported, in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners;
- K. whereas Iran is estimated to have executed 273 people in 2018, the second highest number in the world for that year, according to a report by the NGO Iran Human Rights;
- L. whereas in 2018 thousands of people staged peaceful demonstrations and strikes in protest against unpaid wages, poor working conditions, corruption, political repression and other grievances; whereas the authorities arrested hundreds of them, sentencing many to prison terms and flogging;

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- M. whereas the Iranian judiciary continues to clamp down on peaceful acts of resistance by women's rights defenders protesting against the compulsory wearing of the hijab; whereas in 2018 at least 39 women were arrested in connection with the protests and another 55 were held for their work on women's rights;
- N. whereas freedom of the press, both online and offline, freedom of association and freedom of thought are repressed in Iran;
- O. whereas the Iranian authorities have systematically targeted journalists, including those working for the BBC Persian service, and their families, through the use of criminal investigations, asset freezes, arbitrary arrest, detention, surveillance, harassment, and by spreading false, malicious and defamatory publicity; whereas at least eight journalists are currently in detention in Iran;
- P. whereas Iranian President Hassan Rouhani launched a Charter on Citizens' Rights in December 2016; whereas this charter is not legally binding;
- Q. whereas members of religious and ethnic minorities, including members of the Baha'i faith and the Azeri, Kurdish, Arab and Baluch communities, Sunni Muslims, Christians, and those of no faith, face discrimination in employment, education, freedom of worship and political activities in Iran;
1. Calls on the Iranian authorities to immediately and unconditionally release all human rights defenders, prisoners of conscience and journalists detained and sentenced merely for exercising their right to freedom of expression and peaceful assembly; stresses that the Iranian authorities must in all circumstances ensure that human rights defenders, lawyers and journalists are able to carry out their work free from threats, intimidation and impediment;
 2. Reiterates its call on the Government of Iran to immediately and unconditionally release Sakharov Prize Laureate Nasrin Sotoudeh, and commends her courage and commitment to human rights and women's rights in Iran; regards the grossly unfair trial and sentencing of Nasrin Sotoudeh as a grave miscarriage of justice and welcomes the statement by the EEAS Spokesperson of 12 March 2019 on this issue;
 3. Calls on the Iranian authorities to amend Article 48 of the country's Criminal Procedure Law to ensure that all defendants have the right to be represented by a lawyer of their choice and to a fair trial in line with Iran's commitments to the International Covenant on Civil and Political Rights;
 4. Urges the Iranian authorities to ensure the safety and wellbeing of all detainees, including access to adequate medical care; calls also for an independent investigation into the death in custody of Kavous Seyed-Emami, and into allegations of torture of other activists in detention, and condemns the practice of deliberately denying medical care to political prisoners;
 5. Calls on the Iranian authorities as a matter of urgency to stop the surveillance, arrest, harassment and prosecution of journalists, online activists and their families, and to put an end to online censorship, and calls for the creation of conditions which tolerate freedom of expression and freedom of the media, both online and offline;
 6. Calls on the Government of Iran to cooperate with the UN Special Rapporteur on the situation of human rights in Iran, including by allowing him to enter the country;
 7. Calls for the EU Member States and the EU institutions to continue raising the cases of arrested human rights defenders with their Iranian counterparts, and at the next UN Human Rights Council meeting in Geneva;
 8. Calls on the EEAS to continue to include human rights, particularly the situation of human rights defenders, in the context of the EU-Iran High-Level Dialogue; calls also on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to publicly reaffirm that respect for human rights is a core component for the development of EU-Iran relations;

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9. Urges the VP/HR and the Council to explore the possibility of establishing a formal human rights dialogue with Iran in line with the EU guidelines on human rights dialogues with third countries;
 10. Urges EU officials to call on the Iranian authorities to guarantee the safety and wellbeing of human rights activists in custody and to pursue full investigations into reports of torture;
 11. Urges all Member States with a diplomatic presence in Tehran to use the mechanisms provided for in the EU Guidelines on Human Rights Defenders to support and protect these individuals, including public statements, diplomatic démarches, monitoring of trials and prison visits;
 12. Urges Iran to stop criminalising the work of women's rights defenders, including those peacefully protesting against the compulsory wearing of the hijab, and calls for this discriminatory and humiliating practice to be abolished;
 13. Calls on the Government of Iran to protect the rights of all persons belonging to religious and ethnic minorities, and to address all forms of discrimination against them;
 14. Welcomes the amendments to the drug trafficking law, which have reduced the imposition of capital punishment, and calls for a review of all death sentences to ensure that the relevant trials were conducted in accordance with international standards; calls on the Iranian authorities to introduce an immediate moratorium on the use of the death penalty as a step towards abolition;
 15. Recommends that an ad-hoc delegation from the Subcommittee on Human Rights be sent to Iran before the end of the current mandate in order to visit imprisoned human rights defenders and hold the necessary meetings with the Iranian authorities;
 16. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Supreme Leader of the Islamic Republic of Iran, the President of the Islamic Republic of Iran, and the Members of the Iranian Majlis.
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P8_TA(2019)0205

Situation of human rights in Guatemala

European Parliament resolution of 14 March 2019 on the situation of human rights in Guatemala (2019/2618(RSP))

(2019/C 23/15)

The European Parliament,

- having regard to its resolutions of 15 March 2007 on Guatemala ⁽¹⁾, of 11 December 2012 on the draft Council decision on the conclusion of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other ⁽²⁾, and of 16 February 2017 on Guatemala, notably the situation of human rights defenders ⁽³⁾,
- having regard to the visit of its Subcommittee on Human Rights to Mexico and Guatemala in February 2016 and its final report thereon,
- having regard to the report of its delegation for relations with the countries of Central America on its visit to Guatemala and Honduras between 16 and 20 February 2015,
- having regard to the visit of the delegation for relations with the countries of Central America to Guatemala between 28 October and 1 November 2018,
- having regard to its resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries ⁽⁴⁾,
- having regard to the 2014-2020 Multiannual Indicative Programme for Guatemala, and its engagement to contribute to the resolution of conflicts and to peace and security,
- having regard to the European Union support programmes for the justice sector in Guatemala, in particular SEJUST,
- having regard to the EU Guidelines on Human Rights Defenders, and the EU Strategic Framework on Human Rights, which commits to engagement on human rights defenders,
- having regard to the EU's 2018 Annual Action Programme in favour of Guatemala for sustainable and inclusive economic growth in the Guatemalan adjacency zone (AZ) and its vicinity and for support to the extended mandate of the International Commission against Impunity in Guatemala (CICIG),
- having regard to the signing of an agreement of advice between the CICIG and the Supreme Court of Guatemala in August 2017,
- having regard to the statement by the Spokesperson of the European External Action Service (EEAS) of 2 September 2018 on the decision of the Guatemalan Government not to renew the CICIG mandate,

⁽¹⁾ OJ C 301 E, 13.12.2007, p. 257.

⁽²⁾ OJ C 434, 23.12.2015, p. 181.

⁽³⁾ OJ C 252, 18.7.2018, p. 196.

⁽⁴⁾ OJ C 215, 19.6.2018, p. 125.

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- having regard to the joint letter from the President of the UN Working Group on Enforced or Involuntary Disappearances and the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, to the President of Guatemala, of 6 April 2018,
 - having regard to the statement of 10 September 2018 by the UN High Commissioner for Human Rights, Michelle Bachelet, on the decision of the Guatemalan Government not to extend the mandate of the CICIG,
 - having regard to the declaration of 6 March 2019 by the UN High Commissioner for Human Rights, Michelle Bachelet, on the Guatemalan Law on Non-Governmental Organisations for Development,
 - having regard to the latest Human Rights Watch report on Guatemala,
 - having regard to the Constitution of Guatemala,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas owing in significant part to the collaboration between the Guatemalan Attorney General's office and the UN-backed International Commission against Impunity in Guatemala (CICIG), which was established in 2007 to investigate organised crime and reinforce local efforts to strengthen the rule of law, Guatemala had continued to make some progress in prosecuting human rights and corruption cases;
- B. whereas the number of killings of and attacks against defenders, organisations and communities that work on economic, social, cultural and environmental rights has increased in Guatemala over the past few years; whereas in 2018 the overall number of attacks against human rights defenders and indigenous people, in particular attacks against those working on land and territorial rights, was 391, according to a report by the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGA), including 147 cases of criminalisation and 26 assassinations, a 136 % increase on 2017;
- C. whereas human rights defenders also face threats, intimidation, stigmatisation, defamation campaigns by private actors and the Guatemalan authorities, and judicial persecution; whereas the misuse of criminal procedures against human rights defenders in order to prevent or sanction their work remains a matter of concern;
- D. whereas the number of attacks against journalists is also very worrying, with 93 attacks, including four killings, recorded in 2017; whereas given the ongoing concentration of media ownership in the hands of a few companies, independent media outlets and journalists continue to be subjected to attacks and threats;
- E. whereas violence against women remains a grave problem in Guatemala, as evidenced by the fact that violent deaths of women rose by 8 % to 662 cases; whereas on International Women's Day 2017, 41 girls died, having been locked in after a protest against abuses by wardens, when a fire broke out in a state-run home for minors; whereas the rate of impunity for crimes in Guatemala stands at 97 %;
- F. whereas since 2007, the CICIG has been fighting corruption and impunity at the invitation of the Guatemalan Government and in close collaboration with the national institutions in the country, in order to identify and help dismantle para-state institutions, and have been contributing to strengthening the capacities of the country's judicial and security institutions;

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- G. whereas after four extensions of successive two-year mandates of the CICIG, the Guatemalan Government requested from the UN Secretary General that its mandate be renewed once again until September 2019, thereby further strengthening governance through the CICIG's high-impact investigations and support for the rule of law in Guatemala, and consolidating its achievements in significantly reducing corruption and challenging the impunity of non-state activities with links to the State (CIACS);
- H. whereas in April 2018, the CICIG and the Public Ministry presented the outcome of new investigations into the illegal financing of the ruling FCN party during its electoral campaign; whereas in July 2018, the Supreme Court of Justice planned an investigation into the activities of President Jimmy Morales with regard to the illegal financing of his electoral campaign;
- I. whereas at the end of August 2018, the Guatemalan Government announced the cancellation of the CICIG's mandate as of September 2019; whereas shortly afterwards, the government also prohibited the return to the country of CICIG director Iván Velásquez and subsequently cancelled visas for 11 CICIG employees who had been investigating high-level cases of corruption; whereas in January 2019, the government unilaterally cancelled the agreement with the UN on the CICIG with immediate effect and requested that the CICIG leave the country; whereas Iván Velásquez is also facing charges and is the subject of ongoing smear campaigns;
- J. whereas these measures have been contested and annulled by the Constitutional Court of Guatemala; whereas the Constitutional Court ordered, in a unanimous vote, that the government had to allow Iván Velásquez to enter the country; whereas these rulings have been ignored by the government; whereas the Congress has prepared action against the Constitutional Court and its members, giving rise to a flagrant conflict with the rule of law;
- K. whereas Reform Bill 5377 amending the National Reconciliation Law, which passed Congress in the second out of three readings in early March 2019, would extend an amnesty for all crimes committed by the domestic security forces and individuals acting on behalf of the government, including crimes against humanity, such as torture, forced disappearance and genocide; whereas the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights (IACHR) have expressed their concerns over the bill and have called for the existing law not to be amended;
- L. whereas according to the IACHR, Reform Bill 5377 fails to comply with Guatemala's international commitments, is allegedly in violation of international law, and violates Article 171(g) of the Guatemalan Constitution, as all persons in prison who had been found guilty of political crimes and crimes against humanity committed during the armed conflict, and were convicted for them, would be freed within hours;
- M. whereas people in Guatemala are having to endure an extremely high level of insecurity, and whereas the National Civil Police (PNC) has been severely undermined in recent years; whereas there have been allegations of intimidation and threats against magistrates, judges, prosecutors and judicial actors that have cooperated with the CICIG;
- N. whereas access to justice, prison conditions, police conduct and allegations of torture, issues compounded by widespread corruption, collusion and impunity, remain a matter of serious concern;
- O. whereas the Guatemalan Human Rights Ombudsman, whose budget has been cut back, the Public Ministry, and the Judiciary have taken important steps against impunity and for the recognition of human rights; whereas there are clear attempts by the Guatemalan authorities to damage the fight against corruption, impunity and the rule of law;

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- P. whereas according to the UDEFEGUA, the victims of attacks 'have been mostly indigenous leaders who defend the right to land and territory'; whereas the UN Special Rapporteur has expressed concerns on indigenous rights following complaints about hydroelectric, mining and agro-industrial projects, the licenses and operations of which have caused the rights of indigenous peoples to be violated; whereas the UN Special Rapporteur has also stated that it is worrisome that peaceful protests by communities are being treated by the state and the third parties involved as situations of criminal conflict that affect public safety; whereas Aura Lolita Chávez, the Guatemalan indigenous environmental defender and 2017 European Parliament Sakharov prize finalist, left her country after serious attacks, murder threats and defamation, and faces various judicial processes were she to return;
- Q. whereas on 9 October 2018, members of the Peaceful Resistance of the Ixquisis Microregion movement, among others, were attacked by anti-riot agents from the PNC, leaving six protestors injured;
- R. whereas the Swedish Ambassador to Guatemala has been declared persona non grata (a declaration subsequently annulled by the Constitutional Court) for allegedly supporting the work of the CICIG in the country;
- S. whereas general and presidential elections in Guatemala are planned for 16 June and 11 August 2019;
- T. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form an integral part of the EU's external policies, including the Association Agreement concluded between the EU and the countries of Central America in 2012; whereas this agreement includes a democratic clause, which is an essential element thereof; whereas Guatemala is the EU's third-largest recipient of bilateral development assistance in Central America, with this assistance amounting to EUR 167 million over the 2014-2020 period and focusing on food security, conflict resolution, peace, security and competitiveness;
1. Expresses its deep concern at the increased number of killings and acts of violence and at the lack of security for all citizens and, more specifically, for women and human rights defenders; recalls the importance of an independent and effective justice system and the need to put an end to impunity; regrets the fact that the Guatemalan Government continues to breach the rule of law and the separation of powers; recalls that an essential principle of liberal democracies is the separation of powers and respect for the rule of law;
 2. Calls on the Guatemalan authorities to cease all acts of intimidation against Guatemalan civil society, and human rights organisations in particular, to respect the constitutional order and to guarantee the fundamental rights of all Guatemalan citizens; underlines the fact that a vibrant civil society is essential to make the state more accountable, responsive, inclusive and effective at all levels, and thus more legitimate; insists that all institutions that defend constitutional democracy and human rights in Guatemala need to be supported and strengthened; recalls that guaranteeing an independent judiciary and respecting its independence, as well as ensuring an impartial legal system, is essential; stresses that these are key to consolidating efforts to combat corruption and impunity; considers that allegations of intimidation and threats against magistrates, judges and prosecutors should lead to immediate action to protect the country's judicial institutions and their representatives; urges the Guatemalan Executive to immediately ensure independence of the judiciary and guarantee freedom of the press and the media;
 3. Is convinced that the CICIG has played a vital role in Guatemala and that its work in fighting impunity and corruption and preparing investigations for trials to be carried out by Guatemalan institutions is crucial to upholding the rule of law; expresses its deep concern about the current situation that the CICIG faces in Guatemala and asks the Guatemalan Government to cease all illegal attacks against the CICIG and its national and international staff;
 4. Welcomes, in this context, the Commission Implementing Decision from September 2018 to support the extended mandate of the CICIG with an additional EUR 5 million from the Development Cooperation Instrument (DCI) for the 2018 Guatemala Annual Action Programme.; calls on the Commission to disburse the EUR 5 million as agreed as a matter of urgency, and to continue all approved programmes with the CICIG; asks the Commission to stand ready for a continuation of its cooperation with and funding of the CICIG after September 2019, and actively supports such a prolongation;

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5. Is convinced that the proposed amendment of the National Reconciliation Law poses a significant threat to the rule of law in Guatemala and would drastically undermine the important progress achieved through the work of the national courts in their fight against impunity; shares the view of the UN High Commissioner that the amnesty for violators of human rights, perpetrators of crimes against humanity and war criminals provided for in the bill would fuel even more violence in the country; notes that such action might include retaliation by released prisoners, which could lead to societal destabilisation; therefore urges the Guatemalan Congress not to adopt the bill;
6. Calls for an independent study to be carried out, under the auspices of the United Nations, which should reflect the final impact of the CICIG's work on the justice system in Guatemala and its contribution to the country's political stability, and the result of the agreement signed between the CICIG and the Supreme Electoral Court;
7. Is concerned about the proposed Law on Non-Governmental Organisations for Development; asks the Guatemalan Congress, in line with the technical advice provided by the Office of the UN High Commissioner for Human Rights, to refrain from adopting this bill which, if adopted, could restrict freedom of expression and the freedom of assembly of NGOs, could limit their access to funding and narrow their definition, thereby limiting their scope and hampering their activities, and could open the door to their being arbitrarily banned; reminds the authorities and institutions of Guatemala of the need to create and maintain a safe and conducive environment for NGOs to freely express their opinions and conduct their work for the benefit of society at large;
8. Expresses its concern about the complaints made regarding the lack of free, prior and informed consultations (ILO Convention 169); recalls the recommendation of the UN Special Rapporteur that the rights of indigenous peoples should be fully respected in accordance with international standards, which include the right to free, prior and informed consultation; recalls that national and international corporations are directly bound by treaties and other national and international rules on human rights and environmental rights throughout their value chains, and that, if companies are found to have caused or contributed to harm, they must provide for or participate in effective remedy processes for the individuals and communities affected; notes that this includes restitution, compensation, rehabilitation and guarantees of non-recurrence; recalls that governments have the responsibility to protect human rights and to bring those who violate such rights to justice;
9. Reiterates its request for the protection of human rights defenders, in particular female human rights defenders; welcomes and supports the action undertaken thus far by European embassies and the EU Delegation to Guatemala; requests that the European Union maintain and, if necessary, step up projects to support the work of national and international organisations in Guatemala;
10. Insists that Guatemalan authorities must declare and ensure the legal and physical safety of the Sakharov finalist Lolita Chávez, should she decide to return to her home country;
11. Urges that the elections in Guatemala should take place in a peaceful and transparent manner, and that security should be provided for all candidates; emphasises that the Supreme Electoral Court must act independently and with no interference from state institutions or actors; offers to send an Election Expert Mission from the EU;
12. Deplores the fact that after more than 20 years, the Guatemalan Peace Accords still have not been implemented, and indeed are at risk of being dismantled; strongly encourages all national and international actors to do everything possible to accelerate their full implementation; calls on the Guatemalan Government, to this end, to ensure the democratic and political control and the professionalisation of the PNC and other institutions such as CONRED, the national coordinator for disaster reduction, in order to prevent their militarisation and the channelling of humanitarian funds through the army, as this is not consistent with the goals of the Peace Accords;
13. Reminds the Guatemalan Government that the EU-Central America Association Agreement includes a human rights clause as an essential element and that membership may be suspended in the case of its violation; calls for the European Union and its Member States to use the mechanisms laid down in the Association Agreement and the Political Dialogue and Cooperation Agreement to strongly encourage Guatemala to carry out an ambitious human rights agenda and the fight against impunity;

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14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President, Government and Parliament of the Republic of Guatemala, the International Commission against Impunity in Guatemala (CICIG), the Secretary of Economic Integration of Central America (SIECA), the Central American Parliament and the co-presidents of the Euro-Latin American Parliamentary Assembly.

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P8_TA(2019)0207

Implementation of the Generalised Scheme Preferences (GSP) Regulation

European Parliament resolution of 14 March 2019 on the implementation of the GSP Regulation (EU) No 978/2012 (2018/2107(INI))

(2021/C 23/16)

The European Parliament,

- having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾,
- having regard to Regulation (EU) No 607/2013 of the European Parliament and of the Council of 12 June 2013 repealing Council Regulation (EC) No 552/97 temporarily withdrawing access to generalised tariff preferences from Myanmar/Burma ⁽²⁾, and to its resolution of 23 May 2013 on reinstatement of Burma/Myanmar's access to generalised tariff preferences ⁽³⁾,
- having regard to the mid-term evaluation of the current GSP regulation of July 2018 ⁽⁴⁾ and the Commission's report on the application of Regulation (EU) No 978/2012 ⁽⁵⁾ accompanied by the Commission staff working document of 4 October 2018 ⁽⁶⁾,
- having regard to the Commission reports of 28 January 2016 and of 19 January 2018 on the Generalised Scheme of Preferences covering the periods 2014-2015 ⁽⁷⁾ and 2016-2017 ⁽⁸⁾ respectively, which assess the effects of the GSP with a focus on the performance of GSP+ beneficiaries,
- having regard to the Public Hearing on GSP organised by the Committee on International Trade (INTA) on 16 February 2016, the exchange of views on granting GSP+ to Sri Lanka on 21 March 2017, and the exchange of views on the implementation of the GSP regulation on 19 February 2018,
- having regard to Articles 5 and 21 of the Treaty on European Union (TEU),
- having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the European Ombudsman's Decision in case 1409/2014/MHZ on the European Commission's failure to carry out a prior human rights impact assessment of the EU-Vietnam free trade agreement ⁽⁹⁾,
- having regard to its resolution of 5 July 2016 on implementation of the 2010 recommendations of Parliament on social and environmental standards, human rights and corporate responsibility ⁽¹⁰⁾,
- having regard to its resolution of 12 December 2018 on the annual report on human rights and democracy in the world 2017 and the European Union's policy on the matter ⁽¹¹⁾,

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

⁽²⁾ OJ L 181, 29.6.2013, p. 13.

⁽³⁾ OJ C 55, 12.2.2016, p. 112.

⁽⁴⁾ http://trade.ec.europa.eu/doclib/docs/2018/october/tradoc_157434.pdf

⁽⁵⁾ COM(2018)0665.

⁽⁶⁾ SWD(2018)0430.

⁽⁷⁾ COM(2016)0029.

⁽⁸⁾ COM(2018)0036.

⁽⁹⁾ <https://www.ombudsman.europa.eu/en/decision/en/64308>

⁽¹⁰⁾ OJ C 101, 16.3.2018, p. 19.

⁽¹¹⁾ Texts adopted, P8_TA(2018)0515

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- having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector ⁽¹⁾,
 - having regard to its resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh ⁽²⁾,
 - having regard to voluntary country-specific partnerships, such as the Bangladesh Sustainability Compact and the Myanmar Labour Rights Initiative,
 - having regard to the 2007 joint strategy of the EU and its Member States entitled ‘Aid for trade: Enhancing EU support for trade-related needs in developing countries’,
 - having regard to the 2030 UN Sustainable Development Goals (SDGs),
 - having regard to the fundamental International Labour Organisation Conventions on child labour, forced labour, discrimination, freedom of association and collective bargaining,
 - having regard to the Council conclusions of 12 May 2016 on the EU and responsible global value chains,
 - having regard to its resolution of 12 September 2017 on the impact of international trade and the EU’s trade policies on global value chains ⁽³⁾,
 - having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports ⁽⁴⁾,
 - having regard to the report of the Committee on International Trade and the opinions of the Committee on Foreign Affairs and the Committee on Development (A8-0090/2019),
- A. whereas the EU was the first to implement a GSP scheme in 1971 following the United Nations Conference on Trade and Development (UNCTAD) recommendation under which industrialised countries would grant generalised, non-reciprocal and non-discriminatory trade preferences to developing countries, thereby assisting them to generate additional revenue through international trade in an effort to reduce poverty, promote good governance and foster sustainable development;
- B. whereas Article 207 of the TFEU stipulates that the EU’s trade policy must be built on the principles and objectives of EU external policy and promote the values for which the Union stands, as set out in Article 2 of the TEU and contribute to the pursuit of the aims listed in Article 21, including the consolidation of democracy and the rule of law, respect for human rights, fundamental rights and freedoms, equality, respect for human dignity and the protection of the environment and of social rights;
- C. whereas in her conclusions, the EU Ombudsman stated the following: good administration means observance and respect for fundamental rights; where fundamental rights are not respected, there cannot be good administration; the EU institutions and bodies must always consider the compliance of their actions with fundamental rights, and should also aim at furthering the cause of human rights in the partner countries.;
- D. whereas the current GSP scheme was established under Regulation (EU) No 978/2012, adopted on the basis of Article 207 of the TFEU under the ordinary legislative procedure with the European Parliament acting for the first time as a co-legislator for a GSP regulation;

⁽¹⁾ OJ C 298, 23.8.2018, p. 100.

⁽²⁾ OJ C 331, 18.9.2018, p. 100.

⁽³⁾ OJ C 337, 20.9.2018, p. 33.

⁽⁴⁾ [http://www.europarl.europa.eu/RegData/organes/conf_pres_groupes/proces_verbal/2002/12-12/CPG_PV\(2002\)12-12\(ANN01\)_EN.doc](http://www.europarl.europa.eu/RegData/organes/conf_pres_groupes/proces_verbal/2002/12-12/CPG_PV(2002)12-12(ANN01)_EN.doc)

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- E. whereas pursuant to Article 40 of the GSP regulation, the Commission is to submit a report on the application of the GSP Regulation to the European Parliament and to the Council five years after adoption, which should shape the next GSP Regulation that is to be adopted by 2022; whereas this regulation has been in force since 1 January 2014; whereas a thorough independent evaluation of the functioning of the present Regulation has been carried out in an effort to provide information for the Commission's review exercise, and a list of concrete recommendations has been drawn up;
- F. whereas the scheme contains three arrangements: the general GSP scheme, the GSP+ incentive scheme, and the Everything But Arms scheme (EBA); whereas the standard GSP beneficiaries — currently 18 countries — benefit from reduced customs duties on 66 % of all EU product categories; whereas the eight GSP+ beneficiaries export around 66 % of all product categories duty-free in return for their commitment to effectively implement 27 international core conventions that cover labour rights, human rights, good governance and environmental concerns; whereas the 49 least developed countries (LDCs) under the EBA arrangement of GSP are granted duty-free access to the EU for all products, except arms and ammunition; whereas all beneficiary countries are bound by international conventions in the areas of human rights and labour rights under the GSP Regulation, while GSP+ countries are also bound by international environmental and good governance conventions; whereas only the GSP+ scheme provides for a structured dialogue, which assesses the effective implementation of those conventions by the beneficiary countries; whereas GSP beneficiary countries must also be able to implement international standards and norms, including drawing up, implementing and enforcing appropriate legislation, particularly in the area of establishing the rule of law and combating corruption;
- G. whereas the key objectives of the 2012 GSP reform were to better focus on countries in need — the LDCs and other low and lower-income countries — further promote the core principles of sustainable development and good governance, enhance stability and predictability, and improve certainty for business operators;
- H. whereas several international conventions, guidelines and rules aim to prevent human rights abuses; whereas, in particular, the GSP beneficiary countries have the obligation to implement these guidelines and create the appropriate legal and economic conditions under which businesses can operate and find a place in global supply chains;;
- I. whereas the EU should respond even more effectively to social and environmental dumping and unfair competition and trade practices, in addition to ensuring a level playing field;
- J. whereas in several countries, export processing zones (EPZs) are exempted from national labour legislation, thereby preventing the full right to exercise union activity or seek legal redress; whereas the former constitutes a violation of core ILO standards and could lead to further negative impacts on human rights;
- K. whereas gender equality in all EU policies is firmly established in Article 8 of the TFEU; whereas trade and investment agreements tend to affect women and men differently on account of structural gender inequalities; whereas according to the ILO, in 2012, 21 million people worldwide, of whom 55 % were women and girls, were the victims of forced labour, with 90 % of these in the private economy sector;
- L. whereas Article 19(6) of the GSP Regulation requires that the Commission take account of 'all relevant information' in determining whether GSP beneficiary countries duly comply with their human rights obligations, including information provided by civil society; whereas the involvement of civil society and social partners in the implementation of the GSP scheme can enhance the legitimacy and effectiveness of the EU's common commercial policy;

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- M. whereas the GSP Regulation allows the EU to suspend preferences in the most serious cases of human rights violations, on the basis of Chapter V, Article 19(1)(a) of the GSP Regulation, which provides for the temporary withdrawal of preferential treatment on a number of grounds, including systematic violations of the principles laid down in the conventions listed in Part A of Annex VIII;
- N. whereas the Commission has launched the process in the case of Cambodia, and is in the process of launching investigations in the case of Myanmar for human rights abuses within the framework of potential withdrawals from the Everything But Arms arrangements;

Main conclusions and recommendations

1. Welcomes the Midterm Evaluation on the application of the current GSP Regulation, which assesses whether the objectives it has set out are likely to be achieved; welcomes the fact that the new Regulation has seen an increase in exports from beneficiaries of the Everything But Arms (EBA) and GSP+ arrangements, which is an important contributing factor towards poverty eradication;
2. Notes with satisfaction that in 2016 EUR 62,6 billion worth of imports entered the EU under GSP preferences (a rising tendency), broken down as follows: EUR 31,6 billion from standard GSP beneficiaries, around EUR 7,5 billion from GSP+ beneficiaries and EUR 23,5 billion from EBA beneficiaries (Eurostat data as of September 2017);
3. Recalls that the GSP helps industries in developing countries overcome the difficulties these countries face on export markets as a result of high initial costs; recalls that, in line with UNCTAD objectives, the aims of the GSP are to increase the export revenue and promote the industrialisation of developing countries and consequently LDCs, and to accelerate their growth with a view to eradicating poverty;
4. Underlines that GSP+ is a key EU trade policy instrument which provides better market access and is accompanied by a stringent monitoring mechanism to promote human and labour rights, environmental protection, and good governance in vulnerable developing countries;
5. Notes that the current GSP Regulation has been in force for three years, since the start of the mid-term evaluation process, which has already identified elements to be considered for reform in the next GSP Regulation; welcomes the recommendations provided by the final mid-term evaluation report;
6. Emphasises that the GSP, as part of the EU's trade policy, must be built on the principles of EU external policy (effectiveness, transparency and values) as enshrined in Article 21 of the TEU; stresses that Article 208 of the TFEU establishes the principle of policy coherence for development, and sets the eradication of poverty as the main objective; stresses that the Commission's Trade for All communication reaffirms these principles;
7. Acknowledges the fact that GSP+ plays an important role in promoting international labour rights, human rights, good governance and environmental protection standards in its beneficiary countries, by not only offering incentives to comply with these standards but also establishing a platform for regular dialogue in the areas covered by the conventions and promoting engagement in substantive reforms;
8. Acknowledges that the GSP scheme has brought economic gains to the beneficiary countries and the EU, with increased exports to the EU and improved preference utilisation rates by EBA and GSP+ beneficiaries; urges the EU to work on raising awareness of the GSP rules in the beneficiary countries in order to promote an even better uptake of the scheme; asks the Commission to assess the distribution of gains as regards the GSP scheme, where possible, based on the availability of data; takes note that, in some cases, increased exports and economic opportunities have also had unintended negative indirect impacts on fundamental rights and social development, for example leading to land grabbing or lack of compliance with labour rights; stresses, therefore, that trade preferences need to be followed by the implementation of international conventions and reforms so as to prevent the GSP programmes potentially leading to increased levels of environmental and social dumping;

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9. Welcomes the simplified GSP+ entry mechanism to make it more attractive for standard GSP beneficiary countries; highlights the fact that many of the candidate countries for GSP+ have ratified several of the international conventions needed for GSP+ admission; stresses that the improved, constant and systematic monitoring of the implementation process is of paramount importance, and can be achieved by stepping up cooperation between all actors so as to improve information gathering and in-depth analysis by using all the available information and resources, such as the reports from international monitoring bodies, including the UN, the ILO, the Organisation for Economic Cooperation and Development (OECD), and including direct involvement of civil society and social partners in the process; stresses that this is necessary in order to ensure the full potential of the GSP+ scheme to improve the situation with regard to workers' rights, promotion of gender equality and the abolition of child and forced labour through the effective implementation of the 27 conventions;

10. Urges the Commission to address the issues of shrinking space for civil society and protection for human rights defenders at risk when it engages with GSP+ beneficiary countries and through EBA enhanced engagement, as these issues are directly related to obligations under the International Covenant on Civil and Political Rights and relevant provisions of the ILO core conventions, in line with the Commission's Trade for All communication; asks the Commission, furthermore, to explore further options for the structured, formal and independent participation of civil society, trade union representatives and the private sector, which could serve as potential avenues to strengthen the monitoring process;

11. Emphasises that, overall, the GSP scheme appears to have created incentives for ratifying international conventions and has therefore created a better framework for progress; stresses the importance of further putting in place thorough measures to ensure that the GSP fosters positive environmental development; recommends that the Paris Agreement be added to the list of 27 core international conventions that GSP+ beneficiary countries must comply with; stresses that much progress remains to be made in beneficiary countries in order to achieve a sustainable development model;

12. Acknowledges the progress made on effective implementation, achieved through increased monitoring and dialogue between the EU and the beneficiary countries, in particular when monitoring the implementation of the 27 core conventions; stresses the need for further coordination between the European External Action Service (EEAS), Union delegations, Member States' diplomatic missions, beneficiary country governments, international organisations, businesses, social partners and civil society in order to improve information gathering and provide more in-depth analysis of the monitoring exercise; recommends, as far as possible, greater transparency and communication between co-legislators and stakeholders in the GSP withdrawal processes, in particular during the Commission's investigation procedure;

13. Acknowledges that ratification and progress on the effective implementation of relevant conventions are important benchmarks in order to achieve the necessary progress within the scheme; asks the Commission to ensure that the actions taken in order to monitor the effective implementation of conventions by beneficiary countries are fully in line with the country strategy papers, with a view to ensuring policy coherence, consistency and mainstreaming human rights into trade policy;

14. Stresses the need for continued engagement and further improvement of transparency in GSP+ monitoring while ensuring that the EU can preserve its full leverage with beneficiary countries in this dialogue, notably around the scorecard exercise; calls on the Commission to consider further steps in this field and in the field of dialogue with beneficiary countries in order to increase the transparency, oversight and effectiveness of the scheme;

15. Considers that any decision to suspend preferences must be completely consistent with the overarching objective of alleviating poverty and emphasises that acts of secondary EU law must be both designed and interpreted in line with primary EU law and general principles of EU law in this regard; stresses, therefore, the need for maintaining the current targeted approach for the withdrawal of preferences and ensuring that such withdrawal is limited to specific sectors and designed in such a way as to minimise the negative effects for the local population; calls on the Commission to make use of graduated withdrawals of trade preferences or other time-bound withdrawal measures where appropriate; stresses, finally, that the withdrawal of trade preferences should be seen as a measure of last resort applied only in cases of serious shortcomings in the effective implementation of the international conventions and a clear lack of willingness and engagement by the beneficiary country to address them; stresses, at the same time, the conditional nature of the schemes and that this conditionality should be used to preserve the credibility of each scheme and ensure action in cases of severe and systematic violations of the conventions;

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16. Welcomes the Commission's recent decisions to launch the process for the withdrawal of EBA preferences for Cambodia and to send an emergency, high-level EU mission to Myanmar, in response to the human rights situation in both countries; expects the Commission to keep Parliament closely informed and involved in further steps, including with regard to the suspension of preferences;

17. Notes that the number of beneficiary countries has significantly decreased due to the reformed eligibility criteria, which, together with product graduation, has resulted in an overall decrease in the volume of EU imports from GSP countries; acknowledges that these reforms allow preferences to be focused on the countries that are most in need; requests the Commission to ensure coherence and consistency between GSP and FTA regimes in the impact assessment for the next regulation, so as to ensure the central role of GSP for developing countries in the trade policy of the EU; notes in this regard that EBA beneficiary countries are facing increasing competitive pressure from countries that have established FTAs with the EU; notes, furthermore, that some countries previously subject to GSP+ monitoring are now covered by FTAs that include trade and sustainable development chapters, which should be effective and enforceable;

18. Regrets the fact that the GSP scheme, notably in the case of 29 EBA countries, has not led to any change, and, in some cases a deterioration in their export diversification profiles at the product level; further regrets the fact that it has not sufficiently contributed to economic diversification; calls for further measures to be taken in order to enhance the diversification of exports from GSP countries; regrets the fact that diversification among beneficiaries seems to have been hampered by removing the possibility of cumulation with countries that have graduated from GSP, as they can no longer benefit from the rules of origin for GSP beneficiaries; firmly calls for this possibility to be reintroduced, especially for the most vulnerable countries; notes the significant decrease in export diversification at all sector levels for standard GSP beneficiaries; further calls on the Commission to consider reforming and expanding the list of products to be covered by the Regulation with regard to semi-finished and finished products in particular, and, where necessary, easing rules of origin for the most vulnerable countries; further encourages GSP beneficiary countries to introduce effective measures aimed at product diversification; in this sense, underlines the need to create access to knowledge and technology in order to diversify products so the exports can sustain themselves in global competition, and in Europe in particular;

19. Calls on GSP beneficiary countries to put in place and effectively implement legal measures to protect intellectual property;

20. Welcomes the fact that the preference utilisation rate for EBA beneficiaries is high; stresses the importance of capacity building in the beneficiary countries to support them in benefiting the most from the scheme; calls for measures under the Aid for Trade initiative to be more effectively used in this regard; takes the view that consideration should be given to including services in the next GSP regulation in order to further promote increased diversification; stresses, furthermore, in this context the importance of a business-to-business approach; calls for the setting up of sectoral, multi-stakeholder platforms and online facilities, which bring together export companies from GSP beneficiary countries, import companies in the EU and potential newcomers on both sides — those who are currently not exporting or not importing — in order to exchange best practices and to raise awareness of the GSP rules, conditions and economic perspectives it offers;

21. Welcomes the conclusion of the first safeguard investigation under the regulation, and considers that this clause should ensure that the EU's financial, economic, social and environmental interests are protected; stresses that when offering preferences for sensitive products, there is a need to allow them to be given special treatment in order to avoid putting certain sectors at risk;

22. Emphasises that all parts of the territory of the beneficiary countries, including EPZs, are covered by the scheme and the obligations resulting from the ratification of the relevant conventions; urges beneficiary countries to effectively implement labour standards, and urges the Commission to address violations of ILO standards, including collective bargaining and freedom of association in EPZs situated in current or potential beneficiary countries, and to ensure that any carve-outs are removed; calls on the Commission to explore means to ensure that products from EPZs do not fall under the scheme of preferences insofar as they are exempt from national legislation and in breach of the relevant international conventions;

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23. Highlights that the GSP has made the corporate sector more dynamic, contributed to women's economic empowerment to a certain extent and favoured their participation in the labour force, in particular in the industries of the export countries that trade with the EU; stresses in this sense that it is important to create suitable business environments for women in order for them to capitalise on these new skills and experiences and be able to move up in companies' structures or be able to set up their own new enterprises; nevertheless notes that women continue to be discriminated against, and is concerned about women's working conditions, especially in the textiles and apparel sector; reiterates its resolution of 27 April 2017, and calls on the Commission to follow up on this;
24. Welcomes the effect that the GSP has had on adopting cleaner and safer technologies and on voluntary corporate social responsibility initiatives, which has had a direct positive impact on workers and the environment; takes the view that measures to further encourage and reliably assess this development should be planned; recognises the need to strike the correct balance between regulatory and voluntary action on corporate due diligence in this regard, and calls on the Commission to explore ways to establish due diligence obligations;
25. Considers that the EU should ensure policy coherence by encouraging other international actors, such as multinational enterprises, to participate fully in the improvement of human rights, social rights and environmental standards worldwide, not least by obliging economic operators to put in place due diligence practices in line with the UN Guiding Principles for Business and Human Rights; calls on the Commission to show leadership in order to ensure that human rights and labour rights are upheld in global value chains and to report on the implementation of Parliament's 2016 resolution on the implementation of its recommendations on social and environmental standards, human rights and corporate responsibility, including its call to include corporate social responsibility (CSR) in the Regulation and to reform WTO rules to institute supply chain due diligence and transparency requirements, building on the UN Guiding Principles for Business and Human Rights;
26. Recalls that the EU must encourage, in the interests of coherence with the policies of other international players, such as multinationals, full participation in improving respect for human rights, children's rights, social rights, environmental rights and public health in the world; calls for the EU to ensure that human rights are respected in relation to the right to work in global value chains, i.e. throughout the supply chain;
27. Calls on the Commission, as regards to the next GSP regulation, to explore the possibility of introducing additional tariff preferences for products that have demonstrably been produced sustainably; considers that the goods should be submitted on a voluntary basis for certification of their sustainable mode of production and that proof thereof should be produced upon import into the EU;

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28. Instructs its President to forward this resolution to the Council and the Commission.
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P8_TA(2019)0211

Gender balance in EU economic and monetary affairs' nominations**European Parliament resolution of 14 March 2019 on gender balance in EU economic and monetary affairs nominations (2019/2614(RSP))**

(2021/C 23/17)

The European Parliament,

- having regard to Articles 2 and 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Commission's Strategic Engagement for Gender Equality 2016-2019,
- having regard to the Council's recommendation of 11 February 2019 on the appointment of a member of the Executive Board of the European Central Bank (ECB),
- having regard to Article 283(2), second subparagraph, of the TFEU, pursuant to which the European Council consulted Parliament,
- having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, and, in particular, Article 11.2 thereof,
- having regard to the report of the Committee on Economic and Monetary Affairs (A8-0144/2019),
- having regard to the selection by the Board of Supervisors of the European Banking Authority of 19 February 2019, of José Manuel Campa as Chairperson of the European Banking Authority,
- having regard to Article 48(2) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC ⁽¹⁾,
- having regard to the report of the Committee on Economic and Monetary Affairs (A8-0146/2019),
- having regard to the Commission proposal of 30 January 2019 for the appointment of Sebastiano Laviola as member of the Single Resolution Board,
- having regard to Article 56(6) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽²⁾,
- having regard to the report of the Committee on Economic and Monetary Affairs (A8-0148/2019),
- having regard to the letters sent to the President of the Commission and to the President-in-office of the Council of the EU by the President of the European Parliament on 5 March 2019,

⁽¹⁾ OJ L 331, 15.12.2010, p. 12.

⁽²⁾ OJ L 225, 30.7.2014, p. 1.

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- having regard to the letter sent to the President of the Commission by the President of the European Parliament on 5 March 2019 and the reply by the President of the Commission of 11 March 2019,
 - having regard to the letter sent to the President of the Council by the President of the European Parliament on 23 March 2018,
 - having regard to the letter sent to the President of the Eurogroup by the Chair of the European Parliament's Committee on Economic and Monetary Affairs on 8 March 2018,
 - having regard to the 2017 Gender Equality Index of the European Institute for Gender Equality (EIGE),
 - having regard to Rule 123(2) and (4) and Rule 228a of its Rules of Procedure,
- A. whereas Article 8 of the TFEU lays down gender mainstreaming as a horizontal principle, and Article 2 of the TEU lays down the principle of gender equality as a value of the Union;
- B. whereas equal access to opportunity and non-discrimination are integral values of the European Union;
- C. whereas the Council adopted the European Pact for Gender Equality for the period 2011 to 2020 on 7 March 2011;
- D. whereas Parliament regrets the fact that women continue to be underrepresented in executive positions in the field of banking and financial services; whereas all EU and national institutions and bodies should implement concrete measures to ensure gender balance;
- E. whereas the Chairs of its Committee on Economic and Monetary Affairs, on behalf of the political groups, have on multiple occasions over the years informed the Presidents of the Council, the Eurogroup and the Commission and the Presidents-in-office of the Council of the EU about the lack of gender diversity at the ECB but also in the EU's other economic, financial and monetary institutions;
- F. whereas the 2017 Gender Equality Index produced by EIGE pointed out that economic decision-making continues to be the area where the EU scores the lowest in terms of gender equality and women's representation;
- G. whereas only one out of six Members of the ECB Executive Board is a woman; whereas only two out of 25 Members of the ECB Governing Council are women;
- H. whereas the Chairs of the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities and Markets Authority (ESMA) are men;
- I. whereas the Chair of the Single Supervisory Mechanism has just been replaced by a man, leaving the Single Resolution Board as the only EU body in the broader realm of EU financial and economic institutions chaired by a woman;
- J. whereas notwithstanding the numerous requests made by Parliament to the Council to remedy the lack of gender balance within the ECB Executive Board, the Council has not taken this request seriously;
- K. whereas notwithstanding the numerous calls made by Parliament in relation to previous nominations that gender balance should be respected when presenting a list of candidates, all candidates for the Chairperson of the EBA were men;
- L. whereas, while the selection procedures for the Chair, Vice-Chair and Members of the Single Resolution Board have so far taken into account the principle of gender balance overall, in this case the shortlist presented to Parliament was composed only of men, in spite of the obligations set out under Article 56(4) of Regulation (EU) No 806/2014;

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- M. whereas while it cannot be excluded that in a single selection procedure based on individual applications there are not qualified candidates of both genders, the general principle of gender balance should be respected for the composition of the boards of the ECB and of the supervisory authorities;
- N. whereas the current candidates for the positions of chief economist of the ECB, Chair of the EBA and member of the SRB have all been considered experienced and qualified by Parliament's Committee on Economic and Monetary Affairs and have been endorsed by significant majorities in secret ballot votes;
- O. whereas achieving gender equality is not a women's issue, but one that should involve society as a whole;
1. Stresses that gender balance on boards and in governments ensures broader competence and wider perspectives, and that the lack of gender balance means institutions risk missing out on potentially excellent candidates;
 2. Regrets that the Commission and the large majority of EU governments have so far failed in promoting greater gender balance in EU institutions and bodies, particularly with regard to high-level appointments in economic, financial and monetary affairs; expects the Member States and the EU institutions to swiftly improve the gender balance in top positions;
 3. Calls on the governments of the Member States, the European Council, the Council, the Eurogroup and the Commission to actively work towards gender balance in their upcoming proposals for shortlists and appointments, endeavouring to include at least one female and one male candidate per nomination procedure;
 4. Underlines that in the future, Parliament commits itself not to take into account lists of candidates where the gender balance principle has not been respected alongside the requirements concerning qualifications and experience in the selection process;
 5. Suggests the introduction of a requirement in Parliament's future Gender Action Plan, which is envisaged under Rule 228a of its Rules of Procedure, not to endorse appointments to boards and other bodies of EU agencies if the shortlist of candidates proposed by the institution or body in question does not respect gender balance;
 6. Recognises that Parliament itself has not lived up to these standards and pledges to improve its own record of promoting gender balance in the area of economic and monetary affairs;
 7. Acknowledges that gender balance at executive level in the Union institutions and bodies requires qualified candidates from the Member States; calls therefore on Member States to take concrete steps to improve gender balance in national institutions and thereby prepare the ground for both male and female high quality candidates for top EU positions in the field of banking and financial services;
 8. Calls on the Commission and the Council to increase the transparency of the recruitment and appointment procedures for executive directors of EU agencies by publishing the list of applicants and the shortlisted candidates, and the reasons for their shortlisting, to allow public scrutiny of the openness, competitiveness and gender-sensitivity of these processes;
 9. Calls for closer cooperation among EU institutions to ensure that these measures are effective;
 10. Instructs its President to forward this resolution to the European Council, the Council, the Commission, the governments of the Member States, the European Central Bank, the Single Supervisory Mechanism, the Single Resolution Board, the European Banking Authority, the European Insurance and Occupational Pensions Authority, the European Securities and Markets Authority and the national competent authorities of the Member States.
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P8_TA(2019)0215

A European human rights violations sanctions regime

European Parliament resolution of 14 March 2019 on a European human rights violations sanctions regime (2019/2580(RSP))

(2021/C 23/18)

The European Parliament,

- having regard to its previous resolutions calling for an EU-wide mechanism for imposing targeted sanctions against individuals involved in grave human rights violations, including its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter ⁽¹⁾ and its resolution of 11 March 2014 on the eradication of torture in the world ⁽²⁾,

- having regard to its previous resolutions under Rule 135 of its Rules of Procedure calling for the imposition of targeted sanctions against individuals involved in grave human rights violations, including those of 19 January 2017 on the situation in Burundi ⁽³⁾, of 5 July 2018 on Burundi ⁽⁴⁾, of 18 May 2017 on South Sudan ⁽⁵⁾, of 14 June 2017 on the situation in the Democratic Republic of the Congo ⁽⁶⁾, of 18 January 2018 on the Democratic Republic of the Congo ⁽⁷⁾, of 14 September 2017 on Gabon: repression of the opposition ⁽⁸⁾, of 5 October 2017 on the situation in the Maldives ⁽⁹⁾, of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena ⁽¹⁰⁾, of 30 November 2017 ⁽¹¹⁾ and of 4 October 2018 ⁽¹²⁾ on the situation in Yemen, of 14 December 2017 on Cambodia: notably the dissolution of CNRP Party ⁽¹³⁾, of 14 December 2017 on the situation of the Rohingya people ⁽¹⁴⁾, of 15 March 2018 on the situation in Syria ⁽¹⁵⁾, of 25 October 2018 on the situation in Venezuela ⁽¹⁶⁾, of 13 September 2018 on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo ⁽¹⁷⁾, of 25 October 2018 on the situation in the Sea of Azov ⁽¹⁸⁾, of 25 October 2018 on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul ⁽¹⁹⁾ and of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev ⁽²⁰⁾,

- having regard to its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case ⁽²¹⁾,

- having regard to its resolution of 12 December 2018 on the annual report on human rights and democracy in the world 2017 and the European Union's policy on the matter ⁽²²⁾,

⁽¹⁾ OJ C 169 E, 15.6.2012, p. 81.

⁽²⁾ OJ C 378, 9.11.2017, p. 52.

⁽³⁾ OJ C 242, 10.7.2018, p. 10.

⁽⁴⁾ Texts adopted, P8_TA(2018)0305.

⁽⁵⁾ OJ C 307, 30.8.2018, p. 92.

⁽⁶⁾ OJ C 331, 18.9.2018, p. 97.

⁽⁷⁾ OJ C 458, 19.12.2018, p. 52.

⁽⁸⁾ OJ C 337, 20.9.2018, p. 102.

⁽⁹⁾ OJ C 346, 27.9.2018, p. 90.

⁽¹⁰⁾ OJ C 346, 27.9.2018, p. 86.

⁽¹¹⁾ OJ C 356, 4.10.2018, p. 104.

⁽¹²⁾ Texts adopted, P8_TA(2018)0383.

⁽¹³⁾ OJ C 369, 11.10.2018, p. 76.

⁽¹⁴⁾ OJ C 369, 11.10.2018, p. 91.

⁽¹⁵⁾ Texts adopted, P8_TA(2018)0090.

⁽¹⁶⁾ Texts adopted, P8_TA(2018)0436.

⁽¹⁷⁾ Texts adopted, P8_TA(2018)0345.

⁽¹⁸⁾ Texts adopted, P8_TA(2018)0435.

⁽¹⁹⁾ Texts adopted, P8_TA(2018)0434.

⁽²⁰⁾ Texts adopted, P8_TA(2019)0115.

⁽²¹⁾ OJ C 408, 30.11.2017, p. 43.

⁽²²⁾ Texts adopted, P8_TA(2018)0515.

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- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries ⁽¹⁾,
- having regard to its resolution of 12 March 2019 on the state of EU-Russia political relations ⁽²⁾,
- 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 Title V, Chapter 2 of the Treaty on European Union (TEU), regarding the adoption of sanctions under the Common Foreign and Security Policy (CFSP),
- having regard to Article 215 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of sanctions against both third countries and individuals, groups and non-state entities,
- having regard to Declaration 25 of the Lisbon Treaty on the need to ensure due process rights of individuals or entities concerned by EU restrictive measures or EU measures in combating terrorism,
- having regard to the European Convention on Human Rights and the protocols thereto,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (2015-2019),
- having regard to the statement on the occasion of the State of the Union Address by President Jean-Claude Juncker on 12 September 2018 proposing that Member States make use of existing EU rules to move from unanimity to qualified majority voting in certain areas of the EU's CFSP, such as responding collectively to violations of human rights and applying effective sanctions,
- having regard to the declaration of 10 December 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) following the Foreign Affairs Council of December 2018,
- having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 22 January 2019 entitled 'Sergei Magnitsky and beyond — fighting impunity by targeted sanctions',
- having regard to its study of April 2018 entitled 'Targeted sanctions against individuals on grounds of grave human rights violations — impact, trends and prospects at EU level',
- having regard to the proposal of 14 November 2018 for a European Human Rights Entry Ban Commission,
- having regard to the meeting of 20 November 2018 in the Netherlands on the EU Global Human Rights Sanction Regime,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

⁽¹⁾ OJ C 337, 20.9.2018, p. 82.

⁽²⁾ Texts adopted, P8_TA(2019)0157.

⁽³⁾ OJ C 35, 31.1.2018, p. 77.

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- A. whereas Article 21 of the TEU stipulates that the actions of the Union shall be guided by democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;
- B. whereas the EU is committed to the systematic implementation of sanctions decided on by the UN Security Council under Chapter VII of the UN Charter, and at the same time imposes autonomous sanctions in the absence of a UN Security Council mandate in cases where the UN Security Council is not empowered to take action or is prevented from doing so by a lack of agreement among its members;
- C. whereas EU sanctions (also known as restrictive measures) have over the past two decades become an integral part of the EU's external relations toolbox, with over 40 different restrictive measures currently in place against 34 countries; whereas an estimated two thirds of EU country-specific sanctions have been imposed in support of human rights and democracy objectives;
- D. whereas personally targeted sanctions are designed to minimise adverse consequences for those not responsible for the policies or actions that led to their adoption, in particular on local civilian populations and on legitimate activities in or with the country concerned; whereas they directly affect the persons responsible for violations, serving as a deterrent;
- E. whereas all sanctions adopted by the EU are fully compliant with obligations under international law, including those pertaining to human rights and fundamental freedoms; whereas sanctions should be regularly reviewed in order to ensure that they are contributing towards their stated objectives;
- F. whereas in addition to country-specific sanctions that aim at bringing about changes in states' behaviour, the EU has recently introduced restrictive measures against the proliferation and use of chemical weapons and cyberattacks, as well as specific measures to combat terrorism;
- G. whereas existing EU sanctions target both state and non-state actors, such as terrorists and terrorist groups;
- H. whereas over the past couple of months, there have been numerous instances in which European companies or even EU Member States have violated EU sanctions; whereas these examples illustrate the need to further clarify the scope and reach of the sanctions currently in force, as well as for a clarification of the degree to which countries and companies are responsible for ensuring that the end use or destination of their goods and services is not covered by sanctions;
- I. whereas the relevant authorities of EU Member States are responsible for enforcing sanctions while such measures are decided on at European level;
- J. whereas the US Congress passed the Global Magnitsky Act in 2016, following on from the Sergei Magnitsky Rule of Law Accountability Act of 2012, which intended to sanction the individuals responsible for the death of Sergei Magnitsky during pre-trial detention in a Russian prison, after enduring inhumane conditions, deliberate neglect and torture;
- K. whereas Estonia, Latvia, Lithuania, the United Kingdom, Canada and the United States have adopted human rights sanctions regime laws, namely Magnitsky-type laws; whereas Parliament has repeatedly called for the establishment of a similar EU global human rights sanctions regime which would ensure the consistency and efficacy of individual asset freezes, visa bans and other sanctions imposed on individuals and entities by Member States and at EU level;

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L. whereas the Dutch Government initiated a discussion among EU Member States in November 2018 on the political opportunity of a targeted human rights sanctions regime at EU level; whereas preliminary discussions are continuing at Council working group level;

1. Strongly condemns all violations of human rights across the globe; calls on the Council to swiftly establish an autonomous, flexible and reactive EU-wide sanctions regime that would allow for the targeting of any individual, state and non-state actors, and other entities responsible for or involved in grave human rights violations;

2. Stresses that an EU human rights violations sanctions regime should further build on the proposals of previous resolutions that called for an EU-wide mechanism for imposing targeted sanctions; is of the view that an EU human rights sanctions regime to target individuals implicated in human rights abuses anywhere in the world should symbolically carry Sergei Magnitsky's name; welcomes the fact that similar legislation targeting human rights abusers worldwide has been enacted in a number of countries; emphasises the need for transatlantic cooperation to hold human rights violators to account; encourages other states to develop similar instruments;

3. Firmly believes that such a regime is an essential part of the EU's existing human rights and foreign policy toolbox, and would strengthen the EU's role as a global human rights actor, notably in its fight against impunity and its support to victims of abuse and to human rights defenders worldwide;

4. Stresses that this regime should allow for the imposition of restrictive measures, notably asset freezes and EU entry bans, against any individual or entity responsible for, involved in or which has assisted, financed or contributed to the planning, directing or committing of gross human rights violations, abuses and acts of systemic corruption related to grave human rights violations; emphasises the need to clearly define the scope of violations as well as to set up appropriate legal avenues through which a listing can be challenged;

5. Is convinced of the positive effect this new regime will have on the behaviour of the individuals and entities concerned, as well as of its deterrent effect; stresses, to this end, the need for all EU Member States to interpret, explain and enforce the application of sanctions in the same consistent manner; urges the Member States and the Commission to increase their cooperation and information sharing and to come up with a European oversight and enforcement mechanism;

6. Welcomes the proposal made by the President of the Commission to move beyond unanimity in Council decision-making in CFSP areas, and urges the Council to adopt this new sanctions instrument in such a way that the imposition of human rights sanctions might be adopted by qualified majority in the Council;

7. Supports the preliminary discussions at Council level on the establishment of such a sanctions instrument; urges the VP/HR and her services to take a constructive and proactive approach in bringing these discussions to a successful conclusion before the end of this legislature and expects her to report back to Parliament; underlines the importance of Parliament's scrutiny role over this future regime, notably regarding the scope and definition of the listing criteria, as well as the possibilities for judicial redress;

8. Calls on all Member States to ensure that their authorities, companies and other actors registered in their territories are in full compliance with the Council decisions on restrictive measures against individuals and entities, and, in particular, the freezing of assets of individuals listed and the restrictions on admission to their respective territories as a result of violations of human rights; expresses concern at recent reports of violations of these decisions and reminds Member States of their obligation under international law to ensure the arrest and prosecution of those suspected of having committed crimes involving atrocities present on their territory;

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9. Underlines that increased cooperation and information sharing between these authorities, as well as a European enforcement mechanism, are essential to ensure the uniform enforcement and interpretation of the EU restrictive measures in force and that European companies can operate on a level playing field;
 10. Insists on the importance of the future EU human rights sanctions regime being consistent with and complementary to existing EU policies and existing country-specific and horizontal restrictive measures; insists, in this regard, that the new regime should not replace the human rights scope of current country-specific measures; considers, furthermore, that any future regime needs to be fully complementary to and consistent with the existing international framework on sanctions, notably in relation to the United Nations Security Council;
 11. Underscores that the credibility and legitimacy of this regime are conditioned by its full compliance with the highest possible standards in terms of the protection and observance of the due process rights of individuals or entities concerned; insists, in this regard, that decisions to list and delist individuals or entities should be based on clear, transparent and distinct criteria and directly linked with the crime committed in order to guarantee a thorough judicial review and redress rights; calls for the systematic inclusion of clear and specific benchmarks and a methodology for the lifting of sanctions and for de-listing;
 12. Stresses that the criminal prosecution of the perpetrators of gross human rights violations and atrocity crimes through domestic or international jurisdictions should remain the primary objective of all efforts undertaken by the EU and its Member States to combat impunity; reiterates the principle of universal jurisdiction in this regard; calls on the Council to include cross-border violations within the scope of this regime; stresses the need for coordinated multilateral cooperation so as to prevent sanctions evasion;
 13. Calls on the Commission to dedicate adequate resources and expertise to enforcing and monitoring this regime once it is in place, as well as to devote particular attention to public communication about the listings, both in the EU and in the countries concerned;
 14. Pays tribute to the tireless efforts of civil society activists in support of such a regime; encourages the setting up of an EU-level advisory committee;
 15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Secretary General of the Council of Europe.
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P8_TA(2019)0216

Urgency for an EU blacklist of third countries in line with the Anti-Money Laundering Directive**European Parliament resolution of 14 March 2019 on the urgency for an EU blacklist of third countries in line with the Anti-Money Laundering Directive (2019/2612(RSP))**

(2021/C 23/19)

The European Parliament,

- having regard to the Commission Delegated Regulation (EU) .../... of 13 February 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies,
- having regard to Article 290 of the Treaty on the Functioning of the European Union,
- having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (4AMLD), and in particular Articles 9(2) and 64(5) thereof ⁽¹⁾, and as amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (5AMLD), in particular Article 1(5) ⁽²⁾,
- having regard to the Commission roadmap 'Towards a new methodology for the EU assessment of High Risk Third Countries under Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing' ⁽³⁾,
- having regard to the Commission staff working document of 22 June 2018, 'Methodology for identifying high risk third countries under Directive (EU) 2015/849' (SWD(2018)0362), which inter alia defines Priority 1 and Priority 2 third countries,
- having regard to the letter of 25 February 2019 from the Chair of the Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance (TAX3) to Commissioner Jourova on the delegated act on high-risk third countries with strategic deficiencies in their anti-money laundering and countering financing regimes,
- having regard to the letter of 5 March 2019 from the TAX3 Chair on the Council's position on the Commission's list of high-risk third countries presenting deficiencies as regards anti-money laundering and counter-terrorist financing (AML/CTF),
- having regard to the exchange of views held on 6 March 2019 between Commissioner Jourova and Parliament's Committee on Economic and Monetary Affairs (ECON) and Committee on Civil Liberties, Justice and Home Affairs (LIBE),

⁽¹⁾ OJ L 141, 5.6.2015, p. 73.

⁽²⁾ OJ L 156, 19.6.2018, p. 43.

⁽³⁾ See: <https://data.consilium.europa.eu/doc/document/ST-11189-2017-INIT/en/pdf>

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- having regard to the Council's Statement 6964/1/19 on the Commission Delegated Regulation (EU) of 13 February 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (C(2019)1326),

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

- A. whereas the delegated regulation and its annex and amending delegated regulations are intended to identify high-risk third countries with strategic deficiencies as regards anti-money laundering and countering terrorist financing (AML/CTF) which represent a threat to the EU financial system and for which enhanced customer due diligence measures are necessary at EU obliged entities under 4AMLD;

- B. whereas a delegated act adopted pursuant to Article 9 of 4AMLD shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of one month of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object;

- C. whereas Parliament rejected two of five proposed amending delegated regulations (C(2016)07495 and C(2017)01951) on the grounds that the Commission's process for identifying high-risk third countries was not sufficiently autonomous;

- D. whereas Parliament supports the establishment by the Commission of a new methodology that does not rely exclusively on external information sources to identify jurisdictions presenting strategic deficiencies in tackling money laundering and the financing of terrorism;

- E. whereas the objective of the list is to protect the integrity of the Union's financial system and internal market; whereas the inclusion of a country on the list of high-risk third countries does not trigger the imposition of any economic or diplomatic sanction, but, rather, requires obliged entities such as banks, casinos and real estate agencies to apply enhanced due diligence measures on transactions involving these countries, and to make sure that the EU financial system is equipped to prevent money laundering and terrorist financing risks coming from third countries;

- F. whereas countries could be removed from the list should they remedy their AML/CTF deficiencies;

- G. whereas on 13 February 2019 the Commission adopted its delegated act, including a list of 23 countries and territories: Afghanistan, American Samoa, Bahamas, Botswana, Democratic People's Republic of Korea, Ethiopia, Ghana, Guam, Iran, Iraq, Libya, Nigeria, Panama, Pakistan, Puerto Rico, Samoa, Saudi Arabia, Sri Lanka, Syria, Trinidad and Tobago, Tunisia, US Virgin Islands and Yemen;

- H. whereas the Council, in its statement of 7 March 2019, stated that it objected to the delegated act since the proposal was not established in a transparent and resilient process actively incentivising affected countries to take decisive action while also respecting their right to be heard;

- I. whereas the new methodology was set out in a Commission Staff Working Document published on 22 June 2018, which applies the revised criteria for the identification of high-risk third countries;

- J. whereas the Commission started to consult third countries listed in the delegated act as of 23 January 2019, and met with all those countries which requested more information on the reasons for their listing;

- K. whereas on 7 March 2019 the Council rejected the delegated act in the Justice and Home Affairs Council;

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1. Welcomes the fact that on 13 February 2019 the Commission adopted a new list of 23 third countries with strategic deficiencies in their anti-money laundering and counter-terrorist financing frameworks;
 2. Regrets that the Council objected to the delegated act proposed by the Commission;
 3. Encourages the Commission to take into account all the concerns expressed and to come up with a new delegated act as soon as possible;
 4. Commends the work done by the Commission to adopt a self-standing list based on strict criteria agreed by co-legislators; stresses the importance for the Union of having an autonomous list of high-risk third countries presenting AML/CTF deficiencies, and welcomes the Commission's new methodology for identifying high-risk countries under 4AMLD and 5AMLD;
 5. Recalls that Article 9(2) of Directive (EU) 2015/849 as amended by 5AMLD obliges the Commission to independently assess strategic deficiencies in several areas;
 6. Considers that in order to safeguard the integrity of the list of high-risk countries, the screening and decision-making process should be carried out on the basis of the methodology alone, and must not be affected by considerations that go beyond the area of AML/CTF deficiencies;
 7. Notes that lobbying and diplomatic pressure by the listed countries have been and will be part of the process of identifying high-risk countries; underlines that such pressure should not undermine the EU institutions' ability to tackle money laundering and to counter terrorism financing linked to the EU in an effective and autonomous manner;
 8. Calls on the Commission to publish its assessments of the listed countries so as to ensure public scrutiny in such a way that they cannot be abused;
 9. Calls on the Commission to ensure a transparent process with clear and concrete benchmarks for countries which commit to undergo reforms so as to avoid being listed;
 10. Notes that the assessment of the Russian Federation is still ongoing; expects the Commission to include the latest 'Troika Laundromat' revelations in its assessment; recalls that the work of the ECON, LIBE, and TAX3 committees during this legislative term has raised concerns over the Russian Federation's anti-money laundering and counter-terrorist financing frameworks;
 11. Calls on the Commission to engage with the Member States to increase the Council's ownership over the Commission's proposed methodology;
 12. Calls on those Member States which have yet to do so to transpose 4AMLD and 5AMLD into their national legislation;
 13. Calls for more human and financial resources to be devoted to the relevant unit in the Commission's competent Directorate-General, i.e. the DG for Justice and Consumers (DG JUST);
 14. Calls on the Commission to advance substantially with the assessment phase for Priority 2 third countries;
 15. Recalls that the EU delegated act is a separate process from the FATF listing and should remain exclusively an EU matter;
 16. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P8_TA(2019)0217

Climate change

European Parliament resolution of 14 March 2019 on climate change — a European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy in accordance with the Paris Agreement (2019/2582(RSP))

(2021/C 23/20)

The European Parliament,

- having regard to the Commission communication of 28 November 2018 entitled ‘A Clean Planet for all — A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy’ (COM(2018)0773),
- having regard to the in-depth analysis in support of the Commission communication ⁽¹⁾,
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol thereto,
- having regard to the Paris Agreement, Decision 1/CP.21, to the 21st Conference of the Parties (COP21) to the UNFCCC and to the 11th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP11), held in Paris, France from 30 November to 11 December 2015,
- having regard to the 24th Conference of the Parties (COP24) to the UNFCCC, the 14th session of the Meeting of the Parties to the Kyoto Protocol (CMP14), and the third part of the first session of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA1.3), held in Katowice, Poland, from 2 December to 14 December 2018,
- having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),
- having regard to its resolution of 25 October 2018 on the 2018 UN Climate Change Conference in Katowice, Poland (COP24) ⁽²⁾,
- having regard to the Council conclusions of 22 March 2018,
- having regard to the Intergovernmental Panel on Climate Change (IPCC) special report entitled ‘Global Warming of 1,5 °C’, its fifth assessment report (AR5) and its synthesis report,
- having regard to the ninth edition of the UN Environment Emissions Gap Report, adopted on 27 November 2018,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

1. Welcomes the publication of the Commission communication ‘A Clean Planet for all — A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy’, which underlines the opportunities and challenges that the transformation towards a net-zero greenhouse gas economy brings to European citizens and Europe’s economy, and sets the basis for a wide debate involving EU institutions, national parliaments, the business sector, non-governmental organisations, cities, and communities, as well as citizens; endorses the objective of net-zero greenhouse gas (GHG) emissions by 2050 and urges the Member States to do the same as part of the Future of Europe debate at the special EU summit in Sibiu in May 2019; calls on the Member States to commit to the required ambition in order to achieve this goal;

⁽¹⁾ https://ec.europa.eu/clima/sites/clima/files/docs/pages/com_2018_733_analysis_in_support_en_0.pdf

⁽²⁾ Texts adopted, P8_TA(2018)0430.

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2. Acknowledges that the serious risks of climate change are at the heart of our citizens' concerns; welcomes the fact that people across Europe, in particular younger generations, are becoming increasingly active in demonstrating for climate justice; welcomes the calls from these activists for greater ambition and swift action in order not to overshoot the 1,5 °C climate limit; believes that national, regional and local governments, as well as the EU, should heed these calls;
3. Highlights that European citizens already face direct impacts of climate change; underlines that, according to the European Environment Agency, average annual losses caused by weather and climate-related extremes in the Union amounted to around EUR 12,8 billion between 2010 and 2016, and that, if no further action is taken, climate damages in the EU could amount to at least EUR 190 billion by 2080, equivalent to a net welfare loss of 1,8 % of its current GDP; emphasises that under a high emissions scenario, annual costs from flooding in the EU could rise to EUR 1 trillion by 2100 and that weather-related disasters could affect about two-thirds of European citizens by 2100, compared with 5 % today; further stresses that, according to the European Environment Agency, 50 % of the populated areas in the EU will suffer from severe water scarcity by 2030;
4. Underlines that the IPCC 1,5° special report represents the most comprehensive and up-to-date scientific assessment of mitigation pathways in line with the Paris Agreement;
5. Emphasises that, according to the IPCC 1,5° special report, limiting global warming to 1,5 °C with no or limited overshoot implies reaching net-zero GHG emissions globally by 2067 at the latest, and reducing annual global GHG emissions by 2030 to a maximum of 27,4 GtCO₂eq per year; stresses that, in the light of these findings, as a global leader and in order to have a good chance of keeping global temperature below 1,5 °C by 2100, the Union needs to strive towards reaching net-zero GHG emissions as early as possible and by 2050 at the latest;
6. Expresses concern at the UN Environment 2018 Emissions Gap Report, which finds that current unconditional nationally determined contributions (NDCs) far surpass the Paris Agreement warming limit of well below 2 °C, leading instead to an estimated 3,2 °C⁽¹⁾ warming by 2100; stresses the urgent need for all Parties to the UNFCCC to update their climate ambition by 2020;

Pathways for the European mid-century zero emissions strategy

7. Believes that Europe can lead the way to climate neutrality by investing in innovative technological solutions, empowering citizens, and aligning action in key areas such as energy, industrial policy and research, while ensuring social fairness for a just transition;
8. Notes that the strategy presents eight pathways for the economic, technological and social transformation needed for the Union to comply with the long-term temperature goal of the Paris Agreement; notes that only two of the pathways would enable the Union to reach net-zero GHG emissions by 2050 at the latest; highlights that this requires swift action and considerable efforts at local, regional, national and EU level, also involving all non-public actors; recalls the obligation of Member States to adopt national long-term strategies as laid down in the Governance Regulation; calls on the Member States, therefore, to establish clear short- and long-term targets and policies consistent with the goals of the Paris Agreement and to provide investment support for net-zero pathways;
9. Highlights that the first category of pathways presented in the strategy aims to reduce GHG emissions by only around 80 % by 2050 compared to 1990 levels; notes with concern that this ambition is in the lower range of keeping global warming below 2 °C and is therefore not in line with the Paris objective of keeping it well below 2 °C, nor indeed the further aim of keeping it below 1,5 °C;

⁽¹⁾ UN Environment Programme, 'Emissions Gap Report 2018', p. 10.

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10. Points out that, according to the Commission's estimates, EU GDP is expected to increase more under zero-emissions scenarios than in scenarios with smaller emissions reductions, with the effects in both cases being spread unevenly across the EU as a result of differences among Member States, inter alia in terms of GDP per capita and the carbon intensity of the energy mix; considers that inaction would be by far the costliest scenario and would not only result in significant GDP loss in Europe, but also further increase economic inequalities between and within Member States and regions, as some are expected to be hit harder than others by the consequences of inaction;

11. Notes with concern that the EU's energy import dependence currently stands at around 55 %; highlights that under a net-zero emissions scenario this would fall to 20 % by 2050, which would have a positive impact on the EU's trade balance and geopolitical position; notes that the cumulative savings in fossil fuel import costs between 2031 and 2050 would be around EUR 2-3 trillion, which could be spent on other priorities for European citizens;

12. Welcomes the inclusion of two pathways aimed at reaching net-zero GHG emissions by 2050 and the Commission's support for these, and considers the mid-century objective as the only one compatible with the Union's commitments under the Paris Agreement; regrets the fact that no net-zero GHG pathways for before 2050 were considered in the strategy;

13. Notes that the pathways proposed in the strategy involve the use of a number of carbon removal technologies, including through carbon capture and storage (CCS) or carbon capture and utilisation (CCU) and direct air capture, that have yet to be deployed on a large scale; considers, however, that the EU net-zero strategy should prioritise direct emission reductions and actions conserving and enhancing the EU's natural sinks and reservoirs, and should only aim for the use of carbon removal technologies where no direct emission reduction options are available; believes that further action by 2030 is needed if the Union is to avoid relying on carbon removal technologies that would entail significant risks for ecosystems, biodiversity and food security, as also confirmed by the IPCC 1,5° special report;

Social aspects of climate change and a just transition

14. Welcomes the Commission's assessment that net-zero emissions are possible without net job losses and takes positive note of the detailed assessment of the transition in energy intensive industries; highlights the finding that, if handled well with the appropriate support for the most vulnerable regions, sectors and citizens, a just transition towards net-zero GHG emissions has the potential to create a net gain of jobs in the Union — economy-wide employment will increase by 2,1 million additional jobs by 2050 under a net-zero emissions scenario compared to an employment increase of 1,3 million additional jobs under the 80 % emission reduction scenario; considers, therefore, that the Commission should develop a renewed skills audit under the EU Skills Panorama, with regional data on the skills needs for a climate-neutral Europe to support the most vulnerable regions, sectors and people in re-skilling for future-proof, high-quality jobs in these same regions;

15. Stresses the numerous co-benefits a climate neutral society will have on public health, including in terms of savings on the cost of care and a lighter burden on insurance and public health systems, as well as on the general well-being of European citizens thanks to enhanced biodiversity, a reduction in air pollution and mitigated exposure to pollutants; notes that under such a scenario, health damages would be reduced by around EUR 200 billion per year;

16. Stresses the importance of creating a just transition fund, especially for the regions most affected by decarbonisation, such as coal mining regions, combined with a general consideration of the social impacts of existing climate funding; highlights, in this regard, the need for wide public acceptance of the long-term strategy, given the transformations needed in some sectors;

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17. Underlines that more action and greater efforts towards a clean energy transition would be required in certain EU regions, such as coal regions; reiterates, in this context, its appeal for a specific allocation of EUR 4,8 billion for a new Just Energy Transition Fund to be introduced into the Multiannual Financial Framework 2021-2027 in order to support workers and communities in such regions adversely affected by this transition;

18. Underlines the need for an anticipatory approach to ensure a just transition for EU citizens and to support the regions most affected by decarbonisation; believes that Europe's climate transition must be ecologically, economically and socially sustainable; stresses that, in order to ensure political acceptance by all citizens, it is important to take into account the distributional effects of climate-related and decarbonisation policies, specifically on people with low incomes; considers, therefore, that social impacts should be taken into full consideration in all EU and national climate policies with a view to ensuring a social and ecological transformation in Europe; emphasises, in this respect, that tailor-made and sufficiently funded strategies at all levels will need to be designed on the basis of inclusive processes and in close collaboration with local and regional public authorities, trade unions, educational institutions, civil society organisations and the private sector, to ensure that fair and equal opportunities are offered to all European citizens in this transition;

19. Recalls that approximately 50 to 125 million European citizens are currently at risk of energy poverty ⁽¹⁾; highlights that the energy transition can have a disproportionate effect on people with low incomes and further increase energy poverty; calls on the Member States to assess the number of households in energy poverty in their integrated national energy and climate plans and to take follow-up actions if necessary, as required by the Governance Regulation; calls on the Member States to take forward-looking action to ensure a just energy transition and access to energy for all EU citizens;

20. Believes that young people have increasingly acute social and environmental awareness, which has the power to transform our societies with a view to a climate-resilient future, and that education for young people represents one of the most effective tools for combating climate change; stresses the need to actively involve younger generations in building international, intercultural and intergenerational relationships, which underpin cultural change that will support global efforts for a more sustainable future;

Intermediate targets

21. Recognises that the decade from 2020 to 2030 will be of crucial importance if the EU is to reach net-zero by 2050; calls on the Commission and the Member States to support a strong medium-term target for 2030, as this is necessary to bring sufficient investment stability to the market, to fully harness the potential of technological innovation and to increase opportunities for Europe's businesses to become global market leaders in low-emission production;

22. Stresses that in order to reach net-zero GHG emissions in 2050 in the most cost-efficient manner, the 2030 ambition level will need to be raised and aligned with net-zero 2050 scenarios; believes it to be of the utmost importance for the Union to send a clear message, during the UN Climate Summit in New York in September 2019 at the latest, that it stands ready to review its contribution to the Paris Agreement;

23. Supports an update of the Union's NDC with an economy-wide target of 55 % domestic GHG emission reductions by 2030 compared with 1990 levels; calls, therefore, on EU leaders to support an increase in the level of ambition of the Union's NDC accordingly at the special EU Summit in Sibiu in May 2019, in view of the UN Climate Summit in September 2019;

⁽¹⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/563472/IPOL_STU\(2015\)563472_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/563472/IPOL_STU(2015)563472_EN.pdf)

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24. Considers that the Commission should, during the 2022-2024 reviews of the 2030 climate package and other relevant legislation at the latest, present legislative proposals that raise the level of ambition in line with the updated NDC and the net-zero emissions target; believes that insufficient 2030 ambition would limit future options, possibly including the availability of certain options for cost-efficient decarbonisation; considers these reviews to be an important milestone in securing the EU climate commitments;

25. Believes that, as a means to further ensure increased stability for markets, it will also be beneficial for the EU to establish a further interim emission reduction target by 2040 that can provide additional stability and ensure that the long-term 2050 target is met;

26. Considers that the EU net-zero emissions strategy should be informed by the five-yearly global stocktake as set out in the Paris Agreement and take into account technological and societal developments, as well as the input of non-state actors and the European Parliament;

Sectoral contributions

27. Emphasises that net emissions will have to be reduced to close to zero in all sectors of the economy, which should all contribute to the joint efforts to reduce emissions; calls on the Commission, therefore, to develop pathways to climate neutrality for all sectors; stresses the importance of the 'polluter pays' principle in this regard;

28. Stresses the importance of the various climate measures and legislation adopted in different policy domains, but warns that a scattered approach might lead to inconsistencies and not to the EU achieving a net-zero GHG economy by 2050; believes that an overarching approach needs to be taken;

29. Asks the Commission to examine the possibility of a harmonisation of carbon and energy pricing in the EU in support of the transition to a net-zero emissions economy, in particular for those sectors not covered by the EU's ETS; asks the Commission to examine the best possible way to avoid cases of hardship and insists that the overall burden on citizens should not increase;

30. Acknowledges the role attributed to CCS in most 1,5 °C scenarios in the IPCC 1,5 °C special report; stresses the need for the EU to pursue greater ambition in this area; further notes the targets set by Member States under the Strategic Energy Technology (SET) Plan to implement commercial-scale CCS in the European energy and industrial sector in the 2020s; considers it necessary to increase the use in industrial processes of environmentally safe CCU and CCS, delivering a net reduction in emissions through emission avoidance or permanent storage of CO₂; notes with concern that many CCU technologies are not delivering permanent emission reductions at present; calls on the Commission, therefore, to develop technical criteria which ensure support only to those technologies that deliver verifiable results;

31. Points out that the strategy confirms that GHG emissions from the transport sector are still on the rise and that current policies will not be sufficient to decarbonise the transport sector by 2050; underlines the importance of ensuring a modal shift from air to rail travel, including through the swift realisation of an interoperable intra-EU rail network and mobilising enhanced investments, and towards public transport and shared mobility; notes that road transport contributes about one fifth of the EU's total CO₂ emissions; calls on the Member States and the Commission, therefore, to take decisive steps to enable access to zero- and low-emission vehicles for consumers in all Member States, while avoiding an increased uptake of old, highly polluting vehicles in lower-income Member States; further underlines the role of smart technologies such as smart charging infrastructure in establishing synergies between the electrification of transport and the deployment of renewable energy sources;

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32. Underlines that in order to achieve climate neutrality for the EU economy as a whole, all sectors must contribute, including international aviation and shipping; notes that the Commission's analysis shows that the current global targets and measures envisaged by the International Maritime Organisation and the International Civil Aviation Organisation respectively, even if fully implemented, fall short of the necessary emissions reductions, and that significant further action consistent with the economy-wide objective of net-zero emissions is needed; highlights the need for investments in zero- and low-carbon technologies and fuels in these sectors; calls on the Commission to put the 'polluter pays' principle into practice in these sectors; recalls that GHG emissions from international shipping are projected to increase by as much as 250 % by 2050; welcomes the fact that the international shipping sector has set itself an absolute reduction target for GHG emissions; notes with concern the lack of progress as regards the translation of this target into short- and medium-term measures and other concrete actions; notes the different burden borne by different modes of transport; calls for the increased ETS revenues to be used to promote environmentally friendly modes of transport such as buses or railways;

33. Notes that approximately 60 % of the world's methane is emitted by sources such as agriculture, landfills and wastewater, and the production and pipeline transport of fossil fuels; recalls that methane is a potent GHG with a 100-year global warming potential, 28 times more powerful than CO₂ ⁽¹⁾; reiterates its call on the Commission to explore as soon as possible policy options for rapidly addressing methane emissions as part of a Union strategic plan for methane, and to present legislative proposals to Parliament and the Council to that effect;

34. Underlines that agriculture will be one of the main remaining sources of EU GHG emissions in 2050, owing in particular to methane and nitrous oxide emissions; underlines the potential of the agricultural sector in tackling the challenges of climate change, for example through ecological and technological innovations, as well as carbon capture in soil; calls for a common agricultural policy that contributes to GHG emission reductions in line with the transition to a climate neutral economy; calls on the Commission to ensure that agricultural policies, in particular EU and national funds, are in line with the objectives and goals of the Paris Agreement;

35. Stresses the need to mainstream climate ambition into all EU policies, including trade policy; urges the Commission to ensure that all trade agreements signed by the EU are fully compatible with the Paris Agreement, as not only would this enhance global action on climate change, but it also guarantees a level playing field for the sectors affected;

36. Supports active and sustainable forest management at national level, together with concrete means to incentivise an efficient and sustainable EU bioeconomy, given the considerable potential of forests to contribute to the strengthening of Europe's climate efforts (through sequestration, storage and substitution) and the achievement of the target of zero emissions by 2050; recognises the need for climate change adaptation and to halt biodiversity loss and the degradation of ecosystem services in the EU by 2020, as well as the need to develop evidence-based policies that help implement and finance EU biodiversity conservation measures;

37. Highlights the fact that there is more carbon stored in soils than in the biosphere and atmosphere combined; underlines the importance, therefore, of halting soil degradation in the EU and of ensuring common EU action to preserve and improve the quality of soils and their capacity to store carbon;

Energy policy

38. Highlights the contribution of energy efficiency to security of supply, economic competitiveness, environmental protection, the reduction of energy bills and the improvement of the quality of homes; confirms the important role of energy efficiency in the creation of business opportunities and employment, as well as its global and regional benefits; recalls, in this connection, the introduction of the 'energy efficiency first' principle under the Governance Regulation, and that its application should be fully exploited in a cost-efficient way throughout the energy chain and considered as the basis for any pathway towards the 2050 net-zero target;

⁽¹⁾ Van Dingenen, R., Crippa, M., Maenhout, G., Guizzardi, D., Dentener, F., Global trends of methane emissions and their impacts on ozone concentrations, EUR 29394 EN, Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-96550-0, doi:10.2760/820175, JRC113210.

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39. Highlights the central role of energy in the transition towards a net-zero GHG economy; recalls that the Union has managed to successfully decouple GHG emissions from economic growth in recent decades and has reduced emissions, particularly through energy efficiency and the penetration of renewables; stresses that the clean energy transition should continue to spur the modernisation of the European economy, drive sustainable economic growth and bring societal and environmental benefits for European citizens;
40. Believes that EU leadership in renewable energy and energy efficiency demonstrates to other parts of the world that the clean energy transition is both possible and beneficial beyond the fight against climate change;
41. Points out that achieving a net-zero GHG economy will require considerable additional investments in the EU's energy system and related infrastructure compared to today's baseline, in the range of EUR 175 to 290 billion a year;
42. Stresses, in view of the different starting points of the energy transition, that efforts to reduce greenhouse gases with a view to achieving climate neutrality at EU level may be spread unevenly across the EU;
43. Calls on the Member States to implement the Clean Energy Package without delay; recalls the competence of the Member States to decide on their energy mix within the EU climate and energy framework;
44. Calls for a highly energy-efficient and renewable-based energy system and asks the Commission and the Member States to take all necessary action in that regard, as it will have spill-over effects across all economic sectors; highlights that all pathways presented by the Commission assume a drastic reduction of fossil fuels and a strong increase in renewable energies;
45. Underlines that the Ecodesign Directive⁽¹⁾ has contributed significantly to the EU's climate targets by reducing greenhouse gas emissions by 320 million tonnes of CO₂ equivalents annually, and that it is estimated that by 2020, EU consumers will save up to EUR 112 billion in total, or around EUR 490 per household every year as a result of the directive; calls for additional products to be regulated under the Ecodesign Directive, including tablets and smartphones, and for existing standards to be kept up to date in order to reflect technological developments;
46. Stresses the need to ensure further integration of the European energy market in order to decarbonise the power sector in the most effective way, facilitate investments where the most renewable energy production can be achieved and encourage the active participation of citizens, with a view to speeding up the energy transition towards a carbon neutral and sustainable economy; considers it essential to raise the level of interconnectivity between Member States and encourage more cross-border support schemes;
47. Notes that the EU construction sector currently accounts for 40 % of Europe's final energy consumption and 36 % of its CO₂ emissions⁽²⁾; calls for the sector's potential for energy savings and carbon footprint reduction to be unlocked, in accordance with the objective set out in the Energy Performance of Buildings Directive⁽³⁾ of achieving a highly energy-efficient and decarbonised building stock by 2050; stresses that making the energy consumption of buildings more efficient holds substantial potential for further reducing Europe's GHG emissions; considers, in addition, that the achievement of low-energy buildings, fully supplied by renewable energy, is a *sine qua non* for the Paris Agreement and for an EU agenda for growth, local jobs and improved living conditions for citizens across Europe;

(1) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

(2) <https://ec.europa.eu/energy/en/topics/energy-efficiency/buildings>

(3) Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (OJ L 156, 19.6.2018, p. 75).

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48. Calls on all levels of government, whether national, regional or local, to put in place measures to encourage the participation of citizens in the energy transition and to stimulate the exchange of best practices; stresses that the involvement of citizens in the energy system through decentralised self-generation of renewable energy, electricity storage and participation in demand response and energy efficiency schemes will be crucial in the transition to net-zero GHG emissions; calls, therefore, for the full integration of active citizen engagement in these pathways, in particular on the demand side;

Industrial policy

49. Believes that economic prosperity, global industrial competitiveness and climate policy are mutually reinforcing; reiterates that the transition towards a net-zero GHG economy presents challenges and opportunities for the EU, and that investments in industrial innovation, including digital technologies and clean technology, will be needed to spur growth, strengthen competitiveness, boost future skills and create millions of jobs, for example in a growing circular economy and bioeconomy;

50. Underlines that a stable and predictable energy and climate policy framework is key to providing much-needed investor confidence and to enabling European industries to make long-term investment decisions in Europe, since the lifetime of most industrial installations exceeds 20 years;

51. Highlights the role of energy intensive industries in achieving long-term EU GHG reductions; considers that maintaining the EU's low-carbon industrial leadership and industrial production in the EU, preserving the competitiveness of European industries, minimising the dependency on fossil fuels and the exposure to volatile and rising fossil fuel import prices, and avoiding the risk of carbon leakage, necessitates intelligent and targeted policy frameworks; calls on the Commission to present a new and integrated EU industrial climate strategy for energy-intensive industries in support of a competitive net-zero emissions heavy industry transition;

52. Calls on the Commission to develop an industrial strategy with measures that enable European industry to compete globally on a level playing field; considers that as part of this policy, the Commission should examine the effectiveness, and compatibility with World Trade Organisation rules, of additional measures to protect industries at risk of carbon leakage in respect of the importation of products, which would replace, adapt or complement any existing measures on carbon leakage;

53. Notes that a number of emerging markets are positioning themselves to play an important role in meeting the needs of the global market during the transition to a net-zero emissions economy, for instance with regard to zero-emissions transport and renewable energy; stresses that the EU must remain the leading economy in green innovation and investments in green technology;

54. Notes that the Commission's 2018 report on energy prices and costs in Europe (COM(2019)0001) ⁽¹⁾ highlights the ongoing high exposure of the EU to volatile and rising fossil fuel prices and that future electricity production costs are expected to increase for fossil fuel-generated electricity and fall for renewables; stresses that EU energy import costs increased by 26 % in 2017 to EUR 266 billion, mainly due to increasing oil prices; further notes that the report estimates that oil price increases have had a negative impact on EU growth (-0,4 % GDP in 2017) and inflation (+0,6);

Research and innovation

55. Underlines that EU and national research and innovation programmes are crucial to supporting the Union in its leading role in the fight against climate change and believes that climate mainstreaming should be integrated adequately into the preparation and implementation of research and innovation programmes;

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1548155579433&uri=CELEX:52019DC0001>

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56. Considers that substantial research and innovation efforts will be required in the next two decades in order to make low- and zero-carbon solutions available to all and socially and economically viable and to bring about new solutions for achieving a net-zero GHG economy;

57. Underlines its position that Horizon Europe must contribute at least 35 % of its expenditures to climate objectives as appropriate and as part of the general Union objective of mainstreaming climate actions;

Financing

58. Calls for rapid implementation of the EU ETS Innovation Fund and for the start of the first call for proposals in 2019, in order to boost investments in the demonstration of low-carbon industrial breakthrough technologies in a wide array of sectors, not only electricity production, but also district heating and industrial processes; calls for the 2021-2027 multiannual financial framework and its programmes to be fully consistent with the Paris Agreement;

59. Considers that in order for the Union to reach net-zero emissions by 2050 at the latest, substantial private investments need to be mobilised; believes that this will require long-term planning and regulatory stability and predictability for investors and, accordingly, due consideration in future EU regulations; stresses, therefore, that the implementation of the Sustainable Finance Action Plan adopted in March 2018 should be prioritised;

60. Considers that the 2021-2027 MFF should, before its adoption, be evaluated in the light of the objective to reach a climate neutral economy by 2050, and that a standard test to ensure that expenditure under the EU budget is climate-proof must be established;

61. Regrets the fact that fossil fuel subsidies are still increasing and amount to around EUR 55 billion per year⁽¹⁾; calls for the EU and the Member States to immediately phase out all European and national fossil fuel subsidies;

62. Stresses the importance of a just transition to a carbon neutral economy and calls on the Member States to put in place appropriate policies and financing in this regard; underlines that EU spending from relevant funds could provide additional support where appropriate;

The role of consumers and the circular economy

63. Highlights the significant impact of behavioural change in achieving GHG emission reductions; calls on the Commission to explore policy options as soon as possible, including on environmental taxation, in order to encourage behavioural change; underlines the importance of bottom-up initiatives such as the Covenant of Mayors in promoting behavioural change;

64. Underlines that a very large part of energy use, and therefore GHG emissions, is tied directly to the acquisition, processing, transport, conversion, use and disposal of resources; stresses that very significant savings could be made at each stage in the resource management chain; highlights, therefore, that increasing resource productivity through improved efficiency and reducing resource waste through measures such as reuse, recycling and remanufacturing can significantly lower both resource consumption and GHG emissions while improving competitiveness and creating business opportunities and jobs; highlights the cost efficiency of circular economy measures; underlines that improved resource efficiency and circular economy approaches, as well as circular product design, will help to bring about a shift in production and consumption patterns and reduce the amount of waste;

⁽¹⁾ Energy Prices and Costs in Europe, pp. 10-11.

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65. Stresses the importance of product policy, such as green public procurement and ecodesign, which can make a significant contribution to energy savings and to reducing the carbon footprint of products, while at the same time improving the footprint of the materials used and the overall environmental impact; highlights the need to establish circular economy requirements as part of EU ecodesign standards and to expand the current ecodesign methodology to other product categories in addition to energy-related products;

66. Considers that the work on a reliable model for measuring the climate impact based on consumption should be continued; takes note of the conclusion in the Commission's in-depth analysis that the EU's efforts to reduce emissions from its production are somewhat levelled off by imports of goods with a higher carbon footprint, but that the EU nevertheless has contributed significantly to the reduction of emissions in other countries because of the increased trade flow and the improved carbon efficiency of its exports;

The EU and global climate action

67. Underlines the importance of increased initiatives and sustained dialogue in relevant international fora, and of effective climate diplomacy with the aim of spurring on similar policy decisions that ramp up climate ambition in other regions and third countries; calls for the EU to increase its own climate financing and to work actively to encourage Member States to increase their climate aid (development aid rather than loans) to third countries, which should come in addition to overseas development assistance and should not be double counted as both development and climate finance aid;

68. Emphasises that the UN Climate Change Summit of September 2019 will be the right moment for leaders to announce an increased ambition in terms of NDCs; considers that the EU should adopt a position on updating its NDC well in advance, so as to arrive at the summit well-prepared and in close cooperation with an international coalition of Parties in support of enhanced climate ambition;

69. Highlights the merit of strengthening interoperability between EU policy instruments and third country equivalents, notably carbon pricing mechanisms; calls on the Commission to continue and intensify cooperation and support in the development of carbon pricing mechanisms outside Europe in order to pursue increased emission reductions and an improved level playing field worldwide; underlines the importance of establishing environmental safeguards to ensure real and additional GHG reductions; calls on the Commission therefore to advocate for strict and robust international rules to prevent loopholes in accounting or double counting of emission reductions;

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

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P8_TA(2019)0219

Situation in Nicaragua

European Parliament resolution of 14 March 2019 on the situation in Nicaragua (2019/2615(RSP))

(2021/C 23/21)

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular those of 18 December 2008 ⁽¹⁾, 26 November 2009 ⁽²⁾, 16 February 2017 ⁽³⁾ and 31 May 2018 ⁽⁴⁾,
- having regard to the Association Agreement between the EU and Central America of 2012,
- having regard to the EU country strategy paper and multiannual indicative programme 2014-2020 on Nicaragua,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the EU Guidelines on Human Rights Defenders of June 2004,
- having regard to the Nicaraguan Constitution,
- having regard to the Foreign Affairs Council conclusions on Nicaragua of 21 January 2019,
- having regard to the declarations by the High Representative on behalf of the EU on the situation in Nicaragua of 2 October 2018, 15 May 2018, 22 April 2018 and 15 December 2018, and that of 1 March 2019 on the resumption of the national dialogue,
- having regard to the Council conclusions on EU priorities in UN human rights fora in 2019, adopted on 18 February 2019,
- having regard to the report approved by the Inter-American Commission on Human Rights on 21 June 2018 entitled ‘Gross Human Rights Violations in the Context of Social Protests in Nicaragua’,
- having regard to the report of the United Nations High Commissioner for Human Rights on human rights violations and abuses in the context of protests in Nicaragua, 18 April — 18 August 2018,
- having regard to the report of the Interdisciplinary Group of Independent Experts (GIEI) of 20 December 2018 on the violent events that took place in Nicaragua between 18 April and 30 May 2018,
- having regard to the statement by UN High Commissioner for Human Rights Michelle Bachelet of 22 February 2019 on the criminalisation of dissent in Nicaragua,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

⁽¹⁾ OJ C 45 E, 23.2.2010, p. 89.

⁽²⁾ OJ C 285 E, 21.10.2010, p. 74

⁽³⁾ OJ C 252, 18.7.2018, p. 189.

⁽⁴⁾ Texts adopted, P8_TA(2018)0238.

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- A. whereas the European Parliament adopted a resolution on the crisis in Nicaragua on 31 May 2018, strongly condemning the situation; whereas, as a follow-up to this resolution, a delegation of 11 MEPs visited the country from 23 to 26 January 2019 to assess the situation on the ground;
- B. whereas the delegation was able to follow its own programme, and the Nicaraguan Government granted access to all facilities requested by the MEPs, including two prisons; whereas the Nicaraguan Government gave guarantees that no retaliation would be launched against those who denounced the current situation; whereas the delegation witnessed the harassment, smear and intimidation campaign that targeted the human rights defenders and civil society organisations with which it had held an exchange of views; whereas many organisations rejected invitations to meet the delegation, owing to government-led intimidation and threats; whereas repression has been intensified since the delegation visited the country;
- C. whereas the delegation rejected publicly the official Nicaraguan Government position that they had been victims of a US-led coup d'état and misinformation campaigns; whereas the main reason fuelling the demonstrations has been the deep democratic, institutional and political crisis that has affected the rule of law and restricted basic freedoms, such as those of association, demonstration and assembly, in the country during the last decade;
- D. whereas freedom of expression, assembly and demonstration, including the use of the national anthem, are being seriously restricted for many people; whereas a significant number of political prisoners are imprisoned just for exercising their rights; whereas there have been several worrying reports regarding the worsening situation of detainees, including inhuman treatment;
- E. whereas judicial proceedings against those detainees are in breach of international standards, in particular the procedural and criminal guarantees of the right to a fair trial; whereas the prison conditions also fail to meet international standards adequately; whereas there is a clear lack of separation of powers in Nicaragua;
- F. whereas the right to information is seriously endangered; whereas journalists are being detained, exiled and threatened; whereas audiovisual media outlets are being closed down or searched without prior judicial authorisation; whereas the publication of newspapers is endangered by the lack of paper and ink, seized by the Nicaraguan Government;
- G. whereas the Government of Nicaragua has expelled from the country international organisations such as the GIEI and the Special Monitoring Mechanism for Nicaragua (MESENI) that sought the peaceful resolution of the conflict and national reconciliation; whereas repression against civil society organisations has intensified by stripping them of their legal status in a country with a poor institutional framework, doubly punishing the victims of repression;
- H. whereas academic freedom is also being threatened; whereas nearly 200 university students have been expelled from universities for their participation in demonstrations in favour of democracy and greater freedom and human rights;
- I. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must form an integral part of the EU's external policies, including the Association Agreement between the EU and the countries of Central America of 2012; whereas this agreement includes a democratic clause, which is an essential element of the agreement;
- J. whereas the national dialogue launched on 16 May 2018 between President Ortega and the Nicaraguan opposition and civic groups, and mediated by the Catholic Church, failed to find a solution to the crisis; whereas on 27 February 2019, exploratory talks for a national dialogue between the Government of Nicaragua and the Alianza Civica were resumed; whereas the Alianza Civica has established its three main objectives to be reached during the negotiations as follows: the release of political prisoners and respect for individual liberties, the necessary electoral reforms, which must culminate in the holding of elections, and justice; whereas the Nicaraguan Government has released 100 political prisoners, accepting that their prison sentences be commuted to house arrest; whereas most of them are being harassed and arrests are continuing; whereas a high number of prisoners (more than 600) remain in jail; whereas a national dialogue was halted on 10 March 2019 after the Alianza Civica withdrew from the negotiations;

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1. Underlines that Nicaragua is suffering from a serious breach of democracy, respect for human rights and the rule of law as a result of the events that took place in April and May 2018; reiterates the importance of its resolution adopted on 31 May 2018;
2. Condemns all repressive actions of the Nicaraguan Government; states that the visit made by its delegation served to establish a true picture of the current situation; further states that it is without doubt that, in recent months, and in particular after its visit, there has been an increase in repression of the opposition and limitations imposed on fundamental freedoms; in this regard, condemns the generalised repression and restriction of freedom of expression, assembly and demonstration, the outlawing of non-governmental organisations and civil society, the expulsion of international organisations from the country, the closure of and assaults against the media, the limitations on the right to information, the expulsion of students from universities, and the worsening situation in prisons and the use of inhuman treatment;
3. Considers that such actions by the Government, its institutions and its para-political organisations correspond to a planned strategy to destroy the political opposition that had led the protests last year; believes that this strategy is applied methodically, systematically and selectively against all leaders, NGOs, media and social movements that seek to express their legitimate demands for freedom and democracy;
4. Expresses its concern about the enormous democratic, political and economic risks that the people and the country are facing, and that will increase if urgent action is not taken, taking into account the current internal confrontations, social rupture and economic decline; urgently calls for a meaningful internal dialogue with a view to achieving a sustainable and peaceful solution that would allow all actors in the society to have space to operate and freely express themselves and that would restore their civil rights, such as the right to peaceful protest; reiterates that any solution should render all those responsible for the violations accountable; asks all the political parties, social movements, leaders, students and civil society organisations to maintain and reiterate their unwavering commitment to a peaceful means of resolving the crisis; reiterates its full support for the reform of the judicial system and the electoral law, and requests that the VP/HR act accordingly; asks the VP/HR and the EU Delegation to closely monitor the negotiations that are taking place in the country between the government and the Alianza Civica, and to continue addressing the human problems arising from the situation created in the country in relation to prisoners, students, protesters, journalists, etc.;
5. Deplores the suspension of the MESENI and the termination of the mandate of the GIEI of the Inter-American Commission on Human Rights; strongly condemns the persecution, arrest and intimidation of people cooperating with the UN and other international bodies;
6. Calls on the Nicaraguan Government to implement three urgent measures as a sign of its willingness in the ongoing dialogue: the immediate and unconditional release of political prisoners, the immediate halt of all forms of repression against Nicaraguan citizens, including harassment, intimidation, spying and persecution of opposition leaders, and the subsequent elimination of all restrictions on previously mentioned freedoms, and the restitution of the legal personality and goods of human rights organisations and the return of international organisations to the country;
7. Points out that under these conditions the process must lead to the cancellation of legal procedures against political prisoners and guarantees regarding their physical and moral integrity, their privacy and due process, the return of those exiled, including journalists and students, the demilitarisation of the streets and the disarmament of paramilitary groups, and the establishment of a clear roadmap for free, fair and transparent elections to be organised in the near future, with the presence of international observers;
8. Calls for the immediate extradition of Alessio Casimirri, currently living in Managua under the protection of the Nicaraguan Government, to Italy, where he has been given six definitive life sentences for the kidnapping of Aldo Moro, former leader of the Christian Democracy party, Prime Minister and President of the European Council, and the murder of his guards on 16 March 1978 in Rome;

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9. Requests that the European External Action Service and the Member States implement, without harming the domestic population, a staggered process of targeted and individual sanctions, such as visa bans and asset freezes, against the Government of Nicaragua and those individuals responsible for human rights breaches, in line with the Council conclusions of 21 January 2019, until full respect for human rights and fundamental freedoms are fully upheld and restored in the country as requested in the dialogue; therefore, and under these circumstances, urges that the democratic clause of the Association Agreement between the EU and Central America, of which Nicaragua is a signatory, be triggered by suspending Nicaragua from the agreement;

10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Lima Group, and the Government and Parliament of the Republic of Nicaragua.

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P8_TA(2019)0220

Annual strategic report on the implementation and delivery of the Sustainable Development Goals

European Parliament resolution of 14 March 2019 on the Annual strategic report on the implementation and delivery of the Sustainable Development Goals (SDGs) (2018/2279(INI))

(2021/C 23/22)

The European Parliament,

- having regard to the United Nations resolution entitled ‘Transforming our World: the 2030 Agenda for Sustainable Development’, adopted at the UN Sustainable Development Summit on 25 September 2015 in New York,
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC), to the Paris Agreement, adopted at the 21st Conference of Parties (COP21) in Paris on 12 December 2015, and to the submission of 6 March 2015 by Latvia and the European Commission to the UNFCCC of the Intended Nationally Determined Contributions (INDCs) of the EU and its Member States,
- having regard to the Third International Conference on Financing for Development held in Addis Ababa from 13 to 16 July 2015,
- having regard to Article 208 of the Treaty of the Functioning of the European Union (TFEU),
- having regard to Article 7 of the TFEU, which reaffirms that the EU ‘shall ensure consistency between its policies and activities, taking all of its objectives into account’,
- having regard to the Joint Declaration of the European Parliament, the Council and the European Commission of 7 June 2017 entitled ‘New European Consensus on Development — “Our world, our dignity, our future”’⁽¹⁾,
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 22 November 2016 entitled “Next steps for a sustainable European future — European action for sustainability”(COM(2016)0739);
- having regard to the Commission Reflection Paper entitled “Towards a Sustainable Europe by 2030”, published on 30 January 2019,
- having regard to the high-level multi-stakeholder platform on the implementation of the Sustainable Development Goals and to its joint contribution of 11 October 2018, which recommends that the EU develop and implement an overarching visionary and transformative Sustainable Europe 2030 strategy, to guide all EU policies and programmes, including both interim and long-term targets, and lay out the EU’s vision for a sustainable Europe beyond the 2030 Agenda,
- having regard to the 2019 EU Report on Policy Coherence for Development, published on 28 January 2019,
- having regard to the General Union Environment Action Programme to 2020 entitled “Living well, within the limits of our planet”⁽²⁾,
- having regard to its resolution of 19 May 2015 on Financing for Development⁽³⁾,

⁽¹⁾ OJ C 210, 30.6.2017, p. 1.

⁽²⁾ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 (OJ L 354, 28.12.2013, p. 171).

⁽³⁾ OJ C 353, 27.9.2016, p. 2.

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- having regard to its resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda ⁽¹⁾,
- having regard to its resolution of 7 June 2016 on the EU 2015 Report on Policy Coherence for Development ⁽²⁾,
- having regard to its resolution of 22 November 2016 on increasing the effectiveness of development cooperation ⁽³⁾,
- having regard to its resolution of 6 July 2017 on EU action for sustainability ⁽⁴⁾,
- having regard to its resolution of 14 March 2018 on the European Semester for economic policy coordination: Annual Growth Survey 2018 ⁽⁵⁾,
- having regard to its resolution of 3 July 2018 on violation of the rights of indigenous peoples in the world, including land grabbing ⁽⁶⁾,
- having regard to the Council conclusions of 20 June 2017 on the EU response to the 2030 Agenda for Sustainable Development (10502/17),
- having regard to the European Commission proposal of 30 May 2018 for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+) (COM(2018)0382),
- having regard to the European Pillar of Social Rights,
- having regard to the joint statement of 20 November 2018 between the World Health Organisation and the European Parliament entitled “United to accelerate progress to health related Sustainable Development Goals — leaving no one behind”,
- having regard to Eurostat’s 2018 monitoring report on progress towards the Sustainable Development Goals in an EU context,
- having regard to the Europe 2020 strategy,
- having regard to the opinion of the European Economic and Social Committee of 19 September 2018 entitled “Indicators better suited to evaluate the SDGs — the civil society contribution”,
- having regard to the European Council conclusions of 18 October 2018 (EUCO 13/18) stating that the EU and its Member States are fully committed to the 2030 Agenda for Sustainable Development and its implementation, and in which the European Council welcomed the intention of the Commission to publish its Reflection Paper in 2018, calling for it to pave the way for a comprehensive implementation strategy in 2019;
- having regard to the EU priorities at the United Nations and the 73rd United Nations General Assembly (September 2018 — September 2019), adopted by the Council on 25 June 2018,
- having regard to the contribution of the multi-stakeholder platform on Sustainable Development Goals to the Commission Reflection Paper entitled “Towards a Sustainable Europe by 2030”, released on 12 October 2018,
- having regard to the Global Compact for Migration and the Global Compact on Refugees of 2018,
- having regard to the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted by UN Member States at the Third UN World Conference on Disaster Risk Reduction on 18 March 2015,

⁽¹⁾ OJ C 76, 28.2.2018, p. 45.

⁽²⁾ OJ C 86, 6.3.2018, p. 2.

⁽³⁾ OJ C 224, 27.6.2018, p. 36.

⁽⁴⁾ OJ C 334, 19.9.2018, p. 151.

⁽⁵⁾ Texts adopted, P8_TA(2018)0077.

⁽⁶⁾ Texts adopted, P8_TA(2018)0279.

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- having regard to the joint communiqué between the European Union and the United Nations of 27 September 2018 entitled “A renewed partnership in development” ⁽¹⁾,
 - having regard to the joint communiqué released following the Third African Union-European Union-United Nations Trilateral Meeting, held in New York on 23 September 2018 ⁽²⁾,
 - having regard to the Joint EU — UN Press Statement of 23 September 2018 ⁽³⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Development 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 Development and the Committee on the Environment, Public Health and Food Safety (A8-0160/2019),
- A. whereas the 2030 Agenda has the potential to be transformative and sets out universal, ambitious, comprehensive, indivisible and interlinked goals, aimed at eradicating poverty, fighting growing inequalities and discrimination, promoting prosperity, sustainability, environmental responsibility, social inclusion, gender equality and respect for human rights, ensuring economic, social and territorial cohesion and strengthening peace and security; whereas immediate action, at all levels, together with an effective European implementation strategy, monitoring and review mechanism are essential to the achievement of the SDGs;
- B. whereas the 2030 Agenda and the SDGs represent an ambitious vision for a more prosperous, inclusive and resilient world; whereas the 2030 Agenda is based on the Union’s core values of democracy, participation, good governance, social justice, solidarity, sustainability and respect for the rule of law and human rights, within the EU, its Member States and around the globe; whereas striving to achieve the SDGs therefore naturally follows the Union’s plans to build a better, healthier and more sustainable future for Europe, which should be among the EU’s strategic priorities;
- C. whereas the 2030 Agenda and the achievement of the SDGs represent a challenge; whereas the 17 goals and 169 targets require coordination between the EU and its Member States, the European Parliament, national parliaments and regional and local authorities, as well as a multi-level governance approach, also based on active and broad-based public, civil society and private sector engagement;
- D. whereas the involvement of social partners has been instrumental in the 2030 Agenda and the SDGs from the beginning, promoting the inclusion of priorities such as decent work, the fight against inequalities and civil society participation; whereas their active participation in the review process of the progress and implementation of the 2030 Agenda and the SDGs is key;
- E. whereas the Commission has not yet established a comprehensive strategy to implement the 2030 Agenda encompassing EU internal and external policy areas with detailed timelines up to 2030, objectives and concrete measures, as requested by Parliament, the Council and the European Council, nor has it included the SDGs as an overarching framework in the revised Better Regulation Guidelines published in 2017; whereas common indicators and benchmarks are required in order to measure and to monitor systematically the implementation of such a strategy and to identify shortcomings, both now and in the future;
- F. whereas sustainability and the transition to a climate-neutral, circular and socially inclusive economy are key to ensuring the long-term growth and competitiveness of the EU, which will only be possible if the planetary boundaries are fully respected;

⁽¹⁾ http://europa.eu/rapid/press-release_STATEMENT-18-5927_en.htm

⁽²⁾ http://europa.eu/rapid/press-release_STATEMENT-18-5882_en.htm

⁽³⁾ http://europa.eu/rapid/press-release_STATEMENT-18-5870_en.htm

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- G. whereas the European Consensus on Development recognises that Policy Coherence for Development (PCD) is a fundamental part of the EU's contribution to achieving the SDGs and that sustainable development requires a holistic and cross-cutting policy approach, ultimately being an issue of governance which needs to be pursued in partnership with all stakeholders and at all levels; whereas an effective implementation of PCD is essential to the achievement of the 2030 Agenda;
- H. whereas the EU's policy and governance framework already includes a certain number of binding and non-binding policy targets, benchmarks and indicators in fields such as the budget, social affairs, energy and climate, without consisting of a comprehensive, coherent and joined-up policy strategy;
- I. whereas the implementation of the 2030 Agenda for Sustainable Development requires enhanced awareness among citizens;
- J. whereas ex-ante assessments and ex-post evaluations are crucial tools to ensure that EU policies do not have a negative impact on sustainable development, in particular on developing countries, and that their positive impact is maximised; whereas assessments and evaluations should be published in order to ensure full transparency and accountability;
- K. whereas the 2030 Agenda is a universal agenda that should be implemented in every country; whereas the principle of universality requires every country to consider the impact of its actions in relation to others, in order to ensure policy coherence for development, which, given the complexity and the fragmentation of EU policies, represents a great challenge for the Union;
- L. whereas the Commission is required, under the 7th Environment Action Programme (EAP), to assess the environmental impact, in a global context, of Union consumption of food and non-food commodities;
- M. whereas the Global Partnership for Effective Development Cooperation (GPEDC) could play a strong role in the evidence-based aspects of monitoring and accountability as regards effectiveness principles for achieving the SDGs and in supporting their fuller implementation by all actors at national level; whereas the GPEDC should provide clearly defined channels for cooperation for specific development actors beyond OECD donors, including emerging donors, civil society organisations, private philanthropists, financial institutions and private-sector companies;
- N. whereas the financing of the SDGs poses an enormous challenge which not only demands a strong political commitment by the EU and its Member States, but also a strong global partnership and the use of all forms of financing (from domestic, international, public, private and innovative sources); whereas private financing is essential but should not substitute public funding;
- O. whereas achieving the SDGs depends not only on sufficient finance, but also on non-financial actions, as acknowledged in the 2030 Agenda;
- P. whereas effective mobilisation of domestic resources is an indispensable factor in achieving the aims of the 2030 Agenda; whereas developing countries are particularly affected by corporate tax evasion and tax avoidance;
- Q. whereas Article 208 of the TFEU stipulates that development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty;

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- R. whereas the United Nations High-Level Political Forum on Sustainable Development (HLPF) will meet at summit level, under the auspices of the UN General Assembly in September 2019, to take stock of the implementation of the 2030 Agenda as a whole, reviewing progress on all SDGs in a comprehensive manner, and at ministerial level in July 2019, to review progress on SDGs 4 (quality education), 8 (decent work and economic growth), 10 (reduced inequalities), 13 (climate action), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals), and annually thereafter in order to conduct progress reviews of the goals not reviewed under the 2019 thematic review;
- S. whereas the UN General Assembly summit on the SDGs provides an opportunity for the EU and its Member States to highlight their progress in advancing the 2030 Agenda and the SDGs in a comprehensive manner;
- T. whereas in the follow-up and review process of the 2030 Agenda at the UN, the EU has not always been united in its voting behaviour, particularly in the area of sexual and reproductive health and rights,
- U. whereas the HLPF provides an opportune space for the EU and its Member States to review their progress in advancing the 2030 Agenda through Voluntary National Reviews (VNRs) and to play a leading role as the largest provider of Official Development Assistance (ODA) and as a driving force for sustainability and environmental policies; whereas these completed VNRs serve to assess SDG progress and flag present gaps and challenges;
- V. whereas ODA will play a crucial role in delivering on the 2030 Agenda for Sustainable Development — particularly in low-income countries and in fighting extreme poverty and inequality — if it respects the development effectiveness principles, namely country ownership, transparency and accountability, focus on results, and inclusiveness;
- W. whereas the principle of “leaving no one behind” is at the core of the 2030 Agenda; whereas in 2017 around 22,5 % of the EU population were at risk of poverty or social exclusion and 6,9 % of its population were still severely materially deprived ⁽¹⁾; whereas inequalities have manifold social consequences, such as large differences in well-being and quality of life, including with regard to professional opportunities and healthcare;
- X. whereas there is a persistently high level of child poverty and social exclusion in the Union (26,4 % in 2017); whereas the European Pillar of Social Rights states that children have the right to protection from poverty and that children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities; whereas investing early in children yields significant returns for these children and society as a whole, and is crucial to breaking the vicious cycle of disadvantage in early years;
- Y. whereas over the past five years, the EU has made progress towards almost all SDGs, with seven of the EU-27 Member States among the top 10 in the Global SDG Index ranking, and whereas all EU-27 Member States are in the top 50 (out of 156) ⁽²⁾; whereas some Member States are already leading the implementation of the SDGs; whereas the EU nevertheless still lacks an implementation strategy for the SDGs;
- Z. whereas high and rising inequality between and within countries can have significant social and economic costs; whereas inequality is in clear contradiction to the objective of sustainable development;

⁽¹⁾ Eurostat 2017 data from 16 October 2018.

⁽²⁾ Reflection paper “Towards a sustainable Europe by 2030”, page 7. (https://ec.europa.eu/commission/sites/beta-political/files/rp_sustainable_europe_30-01_en_web.pdf)

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- AA. whereas Better Regulation has been explicitly mentioned in a Commission communication as being another way to ensure the further mainstreaming of sustainable development in EU policies ⁽¹⁾;
- AB. whereas the Commission staff working document of 19 July 2018 on Combatting HIV/AIDS, viral hepatitis and tuberculosis in the European Union and Neighbouring countries (SWD(2018)0387) highlights the gaps and limitations in surveillance data for viral hepatitis which make it difficult to assess the distance that EU Member States need to cover in order to reach the SDG target;
- AC. whereas the Commission White Paper of 1 March 2017 on the future of Europe (COM(2017)2025) did not include sustainable development or the 2030 Agenda as a vision or narrative for the future of the EU;
- AD. whereas the UNICEF report entitled “Progress for Every Child in the SDG Era”, published in March 2018, found an alarming lack of data in 64 countries, as well as insufficient progress towards the SDGs in another 37 countries; whereas over half a billion children live in countries unable to measure SDG progress;
- AE. whereas decent work is the basis for fair and inclusive growth and a driver of development and social advancement; whereas along with social protection for those that cannot find a job or are unable to work, it addresses inequality and exerts a major pull on social and economic progress;

European leadership for universal values within a multilateral framework for people, planet and prosperity

1. Stresses that the complex global challenges the world faces require the holistic and integrated response that the 2030 Agenda for Sustainable Development has the potential to deliver;
2. Highlights that the aim of the 2030 Agenda is to achieve greater well-being for all, within the limits of the planet, and a fair world, leaving no-one behind, and that the four essential pillars of sustainable development (social, environmental, economic and governance) must be addressed in a comprehensive manner in order to achieve the Sustainable Development Goals (SDGs); underlines the fact that sustainable development is a fundamental objective of the Union, as laid down in Article 3(3) of the Treaty on European Union (TEU) and should play a central role in the debate on and the narrative for the future of Europe; furthermore emphasises that the implementation of the SDGs should lead to a paradigm shift and become the EU's overarching long-term economic model to succeed the current Europe 2020 strategy;
3. Underlines that the implementation of the 2030 Agenda is closely linked to European values and interests and represents a significant innovation with the potential to reinvigorate the global order, based on multilateralism and international cooperation;
4. Recalls the need to systematically disaggregate data on all relevant indicators across all goals and targets by sex and other characteristics;
5. Stresses that the Union should renew its commitment to being a global frontrunner in implementing the 2030 Agenda and the SDGs, together with its Member States and their local and regional authorities, in line with the principle of subsidiarity and in close cooperation with its international partners; recalls that the EU's political engagement should be reflected in the multiannual financial framework (MFF) for 2021-2027; underlines that the 2030 Agenda must further catalyse a coordinated approach between the EU's internal and external action and its other policies and coherence across Union financing instruments for a global response and commitment towards sustainable growth and development;

⁽¹⁾ Commission communication entitled “Next steps for a sustainable European future — European action for sustainability (COM(2016)0739).

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6. Insists that implementing the SDGs requires effective cooperation at EU, national, regional and local levels, respecting the principles of subsidiarity and proportionality; stresses the important role of the Environment and Sustainable Development Advisory Councils in this cooperation, and considers that their involvement at all levels of governance should be reinforced;
7. Welcomes the fact that many Member States and partner countries beyond the EU have made considerable efforts to design mechanisms and strategies to implement the SDGs and to integrate them into their policies and governance frameworks; urges those Member States which have not yet developed such mechanisms to do so; underlines that the EU, by helping and encouraging third countries to follow similar actions, contributes to reaching a level playing field; acknowledges that further improvements at EU level are still needed;
8. Calls on the Commission and the Member States to ensure a horizontal approach to the SDGs in their policies;
9. Recognises that in 2015 all European countries, both EU and non-EU, committed to the 2030 Agenda; believes that, in the context of the debate on the future of Europe, consideration should be given to the development of a pan-European framework for the achievement of the SDGs between EU Member States, the EEA, signatories to EU association agreements, EU candidate countries and, following its withdrawal, the United Kingdom; underlines the importance of promoting parliamentary debates at all levels;
10. Welcomes the Commission Reflection Paper entitled “Towards a Sustainable Europe by 2030”, which sets out three scenarios for how the EU might take forward the SDGs; favours the first scenario, which proposes an overarching strategy for the implementation of the SDGs by the EU and the Member States; considers that, in the context of the future of Europe, a sustainable Europe is the way forward to ensure the well-being and prosperity of its citizens and the planet;
11. Regrets that the Commission has not yet developed an integrated and holistic SDG implementation strategy;
12. Underlines the importance of ODA as a key instrument for eradicating poverty and recalls the respective ODA commitments of the EU and the Member States, including the commitment to the target of spending 0,7 % of Gross National Income (GNI) on ODA, with between 0,15 and 0,20 % of ODA/GNI allocated to Least Developed Countries; calls on the EU and its Member States to recommit without delay to the 0,7 % ODA/GNI target and to gradually increase ODA in order to reach this target within a clear timeline; calls on the Member States to establish verifiable annual action plans for reaching individual ODA targets; underlines that, given the responsibility of both the EU and the Member States in meeting the 0,7 % ODA/GNI target, Member States are accountable to both national parliaments and the European Parliament;
13. Recognises that health gains must be protected and progress accelerated in order to reach the SDGs; states that while the world has made remarkable progress on several fronts with regard to health, many challenges remain, among which is that of addressing health disparities between the populations of stable countries and those living in fragile and vulnerable environments, as well as health disparities within countries themselves;
14. Recognises that the 2030 Agenda for Sustainable Development has reinforced global health as a political priority; states that healthy populations are critical to sustainable development — to ending poverty, promoting peaceful and inclusive societies and protecting the environment; insists that health is also an outcome and indicator of progress that reflects the success of many goals and the 2030 agenda as a whole;
15. Underlines that, overall, the EU has managed to reduce its own greenhouse gas emissions and decouple them from economic growth, thus robustly contributing to the global effort, also taking into account emissions embedded in the EU's imports and exports⁽¹⁾; notes, however, that more efforts are needed, both at EU level and globally;

⁽¹⁾ In-depth analysis in support of the Commission communication entitled “A Clean Planet for all — A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy” (COM(2018)0773).

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Enhancing strategic and joined-up EU action towards achieving the global goals

16. Calls on the Commission to establish an in-depth gap analysis of existing policies and their implementation in order to identify critical areas of synergies and incoherencies; invites the Commission to clearly identify, without further delay, the steps to be taken by 2030 in terms of policies and legislation, statistics and disaggregated data collection, and governance and implementation, in order to establish, by the end of 2019, a comprehensive strategy for the achievement of the 2030 Agenda;

17. Urges the Commission to draw up an ambitious, overarching and all-encompassing strategy for the implementation of the 2030 Agenda, fully integrating the SDGs in EU policies and governance, providing guidance for both the EU institutions and the Member States in their implementation, monitoring and review of the 2030 Agenda, and outlining detailed roadmaps, concrete targets and deadlines; asks the Commission to ensure that this strategy addresses the interlinkages of the SDGs;

18. Calls on the Commission to strengthen its collaboration with the UN and on the EU Member States to support its ongoing reform, making it fit for purpose to implement the 2030 Agenda;

19. Recalls that all SDGs are relevant for the fulfilment of the rights of children; stresses the importance of implementing the EU Guidelines for the Promotion and Protection of the Rights of the Child in the context of EU external relations; asks the Commission to monitor and report on progress on the rights of the child in EU external programmes;

20. Calls on the Commission, as a key foundation for building a sustainable Europe, to lead the development of a sustainable food production and consumption model that protects and removes pressure of food systems on health and the environment and brings economic benefits to farmers, companies and citizens;

21. Calls on the Commission to work, in collaboration with key stakeholders at all levels, towards ensuring healthy lives and promoting well-being for all at all ages, in particular with a view to making healthcare more accessible, affordable, effective, and sustainable, addressing risk factors of non-communicable diseases in a more holistic way, exchanging best practices, and strengthening the capacity to prevent and manage global health threats such as antimicrobial resistance;

22. Calls upon the Commission to align programmatic, financing and operational policies, approaches and methodologies where it can enhance efficiency and effectiveness, with the UN and its partners, in order to improve effectiveness on a number of common priorities such as gender equality and reproductive, maternal, newborn, child and adolescent health, climate change and the environment, and addressing inequalities and poverty;

23. Stresses that ensuring tax justice and transparency, fighting tax avoidance and evasion, eradicating illicit financial flows and tax havens and increasing domestic resource mobilisation is crucial to the financing of the 2030 Agenda; reiterates its call to assess the spill-over impact of national and EU tax policies on developing countries, ensuring policy coherence for development;

24. Stresses the importance of addressing social and economic inequalities and promoting gender equality within the EU and worldwide; recalls the underlying principle of the 2030 Agenda of "leaving no one behind"; calls, therefore, on the Commission to pay particular attention to the most marginalised and vulnerable in society in order to ensure full inclusiveness;

25. Calls on the Commission to promote sustainable global value chains with the introduction of due diligence systems for companies, with a focus on their entire supply chains, which would encourage businesses to invest more responsibly and stimulate a more effective implementation of sustainability chapters in free trade agreements, including anticorruption, transparency, anti-tax avoidance and responsible business conduct;

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26. Considers that the SDGs should be at the centre of the EU's strategy for sustainable development and inclusive growth; underlines the need to clearly set out common indicators, benchmarks and targets, and an analysis of the distance to targets and goals, the actions required to reach them and the means by which they will be implemented; stresses that the EU's 2030 strategy should also outline when and how the Union will undertake sustainability impact assessments to address existing gaps, reorient existing policies and develop new legislative proposals or reviews of Union legislation, while ensuring coherence and coordination actions both at EU and Member State levels; calls, therefore, on the Commission and the Council, in all its formations, to pursue this work without delay;

27. Considers that the European Semester should involve Parliament and be aligned with the 2030 Agenda, and that a sustainability check should be included in the process; calls, therefore, on the Commission to further adapt the existing European Semester process; underlines that this would in particular require that the European Semester take into account all dimensions of the SDGs in a comprehensive way;

28. Urges the Commission to develop a comprehensive strategy to support investment that enhances environmental sustainability, and to ensure a proper link between the SDGs and the European Semester;

29. Stresses the need for clear identification of the steps to be taken at each governance level for the implementation of the goals and targets, while following the principle of subsidiarity; calls for the establishment of clear and coherent sustainable development pathways at the appropriate level (national, subnational, local) within those Member States which have not established them already; stresses that the Commission should provide guidance on this process in order to ensure a coherent approach; calls for a multilevel approach in order to create better understanding, high engagement and shared responsibility around the implementation of SDGs;

30. Welcomes the publication of the second Eurostat monitoring report on sustainable development in the EU, which represents a step forward towards the creation of a fully-fledged EU monitoring mechanism;

31. Underlines the need for the Commission to develop an integrated, effective and participatory monitoring, accountability and review framework for the implementation and mainstreaming of the SDGs and the 2030 Agenda which is consistent with the UN Global Indicator Framework and which gathers information and relevant disaggregated data at national and subnational levels while acknowledging that Eurostat alone cannot comprehensively capture all dimensions of SDG progress; underlines the need to take account of spill-over effects and of the interlinked and indivisible nature of the goals and requests that Eurostat be mandated also to report systematically on SDG performance for each and every Member State, based on a uniform set of indicators;

32. Stresses the need for a wide range of indicators which are not purely economic in nature and which capture the transformative nature of the SDGs, in particular with regard to addressing poverty in all its forms, and which should be measured by disaggregated data relevant to the achievement of the SDGs; underlines the need for Eurostat to establish a set of specific progress indicators for the internal application of the SDGs in the EU at the respective governance levels;

33. Recalls the key role of the EU in enhancing standards of transparency, accountability and sustainability in global value chains; underlines that the EU is a normative and economic power and must therefore position itself as a leader in good practices and the establishment of worldwide rules; calls on the Commission and the Member States to support the negotiations for a binding UN treaty on transnational corporations and human rights;

34. Calls on the EU Member States to provide data for the effective monitoring of viral hepatitis in line with the indicators established by the European Centre for Disease Prevention and Control and calls on the Commission to monitor this process closely, in line with the commitment made in its communication of November 2016 entitled "Next steps for a sustainable European future";

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35. Underlines the importance of raising awareness on the transformative potential of the 2030 Agenda for Sustainable Development and its goals; recalls the need to engage with citizens and civil society organisations throughout the implementation and monitoring processes; stresses the important role played by the European Parliament and national parliaments;

36. Highlights the importance of transparency and democratic accountability when monitoring the EU's progress on the 2030 Agenda and consequently underlines the role of the co-legislators in this process; considers that the conclusion of a binding interinstitutional agreement under Article 295 of the TFEU would provide an appropriate framework for cooperation in this regard;

37. Calls on the Commission and the Member States to further improve the information available and the awareness of citizens regarding the need for completion of the 2030 Agenda;

38. Stresses that the MFF must be oriented towards the 2030 Agenda and ensure enhanced mainstreaming of sustainable development in all funding mechanisms and budgetary lines; calls upon the Commission, therefore, to enhance accountability for delivering collective results through the MFF; reiterates its position on the future MFF, which calls for a compulsory mid-term revision, following a review of the functioning of the MFF, and taking into account an assessment of the progress made with regard to the SDGs; stresses the need to check the planned financial envelopes of existing policies to ensure coherence with sustainable development;

39. Considers that significant acceleration of green investment, innovation and growth in the EU is needed for the timely and successful implementation of the 2030 Agenda and underlines the importance of a wider uptake of innovative and existing financing tools such as green public procurement, as well as the urgent need for different approaches to current investment policy, in particular the phasing out of environmentally harmful subsidies;

40. Welcomes the increasing amount of institutional and private capital allocated to financing the SDGs and underlines the importance of a robust sustainable finance framework, including a calibration of the capital requirements on banks and a prudent treatment of high-carbon assets, prudential rules for insurance companies and an update of institutional investors' and asset managers' duties;

Policy coherence, coordination and mainstreaming of SDGs

41. Stresses the importance of better coordination and cooperation between and within decision-making bodies, different organisations and relevant stakeholders, including local authorities and civil society organisations, in order to implement the 2030 Agenda and to achieve greater Policy Coherence for Sustainable Development (PCSD);

42. Welcomes the adoption of the 2019 Commission report on Policy Coherence for Development (PCD) and the attempt to better integrate PCD into the EU approach to implementing SDGs; recalls that PCD is a principle laid down in Article 208 of the TFEU while also being fundamental for achieving the SDGs;

43. Acknowledges the progress made by the PCD tools in influencing EU policy-making; calls for further efforts to make sure that non-development policies take into account development objectives as a result of PCD mechanisms;

44. Underlines that PCD constitutes a fundamental element of and contribution to PCSD; strongly recommends that the best practices and lessons learned from PCD are applied in further developing and operationalising PCSD;

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45. Calls on the Commission and the Member States to reaffirm their commitment to PCD as an important contribution towards achieving broader PCSD in their actions for the implementation of the 2030 Agenda; stresses the need to enhance mechanisms for policy coherence within all EU institutions and policy-making processes and to ensure that the principle is adequately respected in regular ex-ante impact assessment and by introducing adequate mechanisms for accountability and mitigation;

46. Is of the view that PCSD means that all relevant policies and all financial and non-financial instruments at EU level must in future be designed, implemented and monitored with a view to achieving the SDGs, and that the Commission should, therefore, rapidly develop the necessary policy capacities at all levels;

47. Urges the Commission to adopt a follow-up action plan in line with the recommendations of the external evaluation of PCD calling for the adoption of a clear set of rules for the implementation of the concept; reiterates its call to distinctly define the responsibilities of each EU institution in achieving PCD commitments;

48. Reiterates its call for PCD to be discussed at European Council level in order to give impetus to the implementation of its mechanisms in pursuit of the goals of the 2030 Agenda for Sustainable Development; believes that, as has been pointed out in the external evaluation of PCD, only with political will from the EU will there be a significant impact on the promotion and effectiveness of the PCD approach;

49. Stresses the need, given the legal commitment to promoting PCD expressed in Article 208 of the TFEU, for the EU to pro-actively enter into dialogue with developing countries and regions in order to discuss and consider major policy initiatives that may affect them;

50. Stresses that the EU has some of the world's highest environmental standards, and that its businesses are ahead of the curve compared to global competitors, which is why the EU is also seen as a stronghold of freedom and democracy, with stable institutions based on the rule of law and a vibrant civil society; considers that the EU could therefore decide to promote more strongly its current environmental, social and governance standards;

51. Welcomes the establishment of a working party on the 2030 Agenda under the General Affairs Council; calls for the establishment of SDG coordination and cooperation mechanisms between and within Parliament, the Council and the Commission, in order to ensure policy coherence; underlines that such mechanisms should be clearly framed and determined within an Interinstitutional Agreement for a Sustainable Europe by 2030, as coherent political processes between the three institutions will be critical for the successful implementation of the 2030 Agenda; calls for the involvement of all three institutions in the future work of the multi-stakeholder platform on SDGs and highlights the importance of the inclusion of all relevant actors in this platform, including civil society organisations;

52. Believes that, in line with SDG 17 on Partnerships, the role of the existing multi-stakeholder platform on SDGs should be upgraded and brought into a formal and interinstitutional consultation framework;

53. Stresses the role of development cooperation in supporting implementation of the 2030 Agenda in developing countries; welcomes the mainstreaming of the SDGs into the new European Consensus on Development; recalls that poverty eradication (SDG 1) must remain the principal objective of EU development cooperation; recalls that SDG 1 and SDG 2 are intrinsically linked; reiterates that despite progress, the current pace and scope of implementation is unlikely to promote the transformational change needed to realise the objectives of SDG 2; calls for increased efforts to follow up on the recommendations of the 2017 HLPF thematic review of SDG 2;

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54. Reiterates its call for the mainstreaming of the delivery of the SDGs across all policy areas; welcomes the Commission's commitment to mainstream the SDGs into its Better Regulation Agenda and underlines the potential for strategic use of the Better Regulation tools in the Commission's independent evaluations of EU policy coherence for the 2030 Agenda and its development cooperation policy; calls on the Commission to revise swiftly the Better Regulation Agenda Guidelines and to further strengthen and monitor its regular ex-ante assessments in order to ensure full policy coherence in the implementation of the SDGs while promoting synergies, gaining co-benefits and avoiding trade-offs, both at Union and Member State level;

55. Calls for cross-committee coordination in Parliament, with a view to overseeing and following up on the EU's implementation of its 2030 Agenda commitments;

56. Calls on the Conference of Presidents and the Conference of Committee Chairs of the European Parliament to assess the appropriateness of Parliament's current structure with a view to ensuring its ability to effectively and comprehensively monitor across all policy sectors the work towards achieving the SDGs in the EU's internal and external policies;

57. Calls for Parliament, the Commission and the Council to work towards a Joint Sustainability Declaration, anchoring the SDGs in the multiannual interinstitutional priorities of the next legislative term;

58. Emphasises the role of regular and adequate ex-ante impact assessments as well as ex-post evaluations in ensuring the better mainstreaming of the 2030 Agenda and delivering results; underlines the importance of evaluating the short- and long-term consequences of policies and their potential contribution to sustainable development; recalls the Treaty obligation to take into account the objectives of development cooperation in all policies likely to affect developing countries;

59. Recalls the vital importance of domestic resource mobilisation (DRM) for developing countries in achieving the SDGs; stresses that the report of the United Nations Conference on Trade and Development (UNCTAD) entitled 'World Investment Report 2015 — Reforming International Investment Governance' ⁽¹⁾ estimates that developing countries lose at least USD 100 billion per year in corporate tax revenue due to tax dodging by large companies; welcomes in this regard the Commission staff working document of 15 October 2015 entitled 'Collect More — Spend Better: Achieving Development in an Inclusive and Sustainable Way' (SWD(2015)0198), aiming at tackling this issue; regrets, however, that no concrete actions have been undertaken to ensure the implementation of the abovementioned Commission strategy; calls on the Commission to propose a flagship programme on DRM to ensure more tax revenues are collected and allow for the financing of the SDGs;

60. Insists on the need to strengthen local actors as agents for sustainable development and calls for the stronger participation of national parliaments and regional and local authorities at all stages of SDG implementation, from planning and programming to evaluation and monitoring; calls on the Commission, furthermore, to enhance its support to cities and local authorities to develop, implement and monitor effective policy initiatives and strategies to achieve the SDGs;

61. Welcomes the growing involvement of the private sector in helping to achieve the SDGs; stresses the importance of creating an environment that facilitates new initiatives and partnerships between the public and the private sectors, and that encourages companies to align their business strategies with sustainable development objectives;

62. Recalls that the UN estimates that investments of USD 5 to 7 trillion are needed annually to achieve the SDGs; insists, therefore, on the need to mobilise investments, and welcomes the potential of the EU External Investment Plan in this regard;

⁽¹⁾ http://unctad.org/en/PublicationChapters/wir2015ch0_KeyMessage_en.pdf

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63. Encourages Member States to conduct regular and inclusive reviews of progress and encourages those Member States that have not already committed to completing a VNR to do so in accordance with the 2030 Agenda and for Member States having already presented a VNR to set up a calendar for regular future VNRs;

64. Calls on the Commission to conduct regular analysis of the VNRs of Member States in order to assess progress and good practices; further calls for analysis of the VNRs of Least Developed Countries in order to identify needs, close gaps and enhance support and cooperation, and to cooperate closely within the OECD in developing peer review mechanisms for successful SDG implementation strategies and action in domestic and external policies, and to improve exchange of best practices and monitoring of negative external spill-over effects;

65. Encourages the Commission and the Member States to broaden the joint programming and joint implementation of development cooperation, based on SDG policy dialogues with partner countries, national development plans and VNRs, duly taking into account country ownership and other principles of development effectiveness;

66. Stresses the role of the HLPF in the follow-up and review of the SDGs; strongly supports the Union's commitment to complete a voluntary review at the HLPF; calls on the Commission to honour the EU's leading role in designing and implementing the 2030 Agenda and to present an comprehensive joined-up report on all SDGs; underlines that EU reporting, including the forthcoming Joint Synthesis Report on the EU support to developing countries, should include an analysis of the state of play and current shortcomings and gaps;

67. Calls the Commission to position itself as a role model in the HLPF process; invites the Commission to engage with third countries in progressing towards the achievement of the 2030 Agenda, including through the UN Economic Commission for Europe;

68. Calls for the organisation of an annual European SDG forum, in preparation of the HLPF, to allow for the participation of and dialogue between external stakeholders and civil society organisations as well as parliamentarians on SDG implementation;

69. Welcomes the HLPF meeting at summit level, which will take place under the auspices of the UN General Assembly in September 2019 and thereafter at future summits, as an opportunity to take stock of the implementation of all the SDGs within the 2030 Agenda as a whole and expects the Union to play a leading role in the summit; notes that progress made by Member States varies depending, among other factors, on the SDG in question, national priority objectives and targets; stresses that the SDGs are highly interlinked and that an integrated and comprehensive systemic approach to their implementation should be pursued;

Focus on the SDGs under the upcoming in-depth review at the HLPF 2019

70. Welcomes the upcoming in-depth review of SDGs 4 (quality education), 8 (decent work and economic growth), 10 (reduced inequalities), 13 (climate action), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals) and expects the Union to contribute comprehensively to the review in full; looks forward to future in-depth reviews of all other SDGs in the coming years, while underlining the indivisibility of the 2030 Agenda and the interconnectedness of the goals;

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71. Reiterates that quality education and access to primary education for all (SDG 4) is essential for achieving sustainable development and self-sustained societies as well as for ensuring youth empowerment and employability; acknowledges that quality education is a high-ranking focus area in many Member States and stresses that technical and vocational training are essential for youth employability and access to qualified jobs; deplores, however the fact that disparities in education along the lines of urban-rural divides and gender are still prevalent both within and outside the EU; calls, therefore, for greater investments to improve the quality of education and related infrastructure with a particular focus on less developed regions internally and Least Developed Countries externally;

72. Encourages the Commission and the Member States to address targets more systematically under SDG 8 (sustainable growth and employment) within their development cooperation policies and (joint) programming; calls for further contributions towards achieving SDG 8, including improvements to productivity capacities, revenue generation, industrialisation, sustainable consumption and production patterns, trade, private sector development, business environments, infrastructure and tourism;

73. Recognises the role of micro, small and medium-sized enterprises, cooperatives, inclusive business models and research institutes as engines of growth, employment and local innovation; calls for the promotion of a level playing field for sustainable investment, industrialisation, business activity, including responsible business conduct, finance and taxation, science, technology, and research and innovation, in order to stimulate and accelerate domestic economic and human development and to contribute to long-term sustainable growth in line with the SDGs and the Paris Agreement; calls on the Commission and the Member States to encourage the emergence of new business models and take advantage of new technologies such as artificial intelligence;

74. Underlines the crucial role of the private sector in progressing towards the SDGs, in particular with regard to responsible and sustainable investments and enhancing inclusive growth, as well as promoting and committing to responsible business conduct; stresses in this context the need for investment friendly policy frameworks, including sustainability performance indicators and requirements to enable the integration of sustainability risks in investment decision-making and the rule of law;

75. Acknowledges that EU research, development and innovation hubs and incubators are important to support structures for sustainable development; calls on the Commission and the Member States, therefore, to promote stronger links between research and business in order to enable the exchange best practises and spur innovation; underlines that research and innovation funding needs to be complemented with a strategic approach to investment, allowing innovative solutions to reach the market, as these often require capital intensive and high-risk investments;

76. Calls on the Council to keep in mind the SDGs when developing its position on the future ESF+ and the allocation of the necessary financial allocations; underlines that the success of the SDGs in the Union depends on ambitious policies backed by sufficient resources;

77. Regrets the fact that there are still notable differences in the progress made by Member States towards achieving SDG 10, in terms of reducing inequalities in income and those based on age, sex, disability, ethnicity, origin, religion, economic status and other factors, which can improve social cohesion, and that inequalities persist and are increasing within and among countries, inside and outside the EU; calls for progress to be accelerated towards reducing growing disparities and promoting equal opportunities for all, directly assisting vulnerable groups and those most in need and generating more inclusive and sustainable growth, as well as human development; calls on the Commission to include, among others, improved criteria on economic inequality in its review of SDG 10;

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78. Acknowledges that the EU and all its Member States have signed and ratified the Paris Agreement and that most Member States mention the Paris Agreement as a key pillar of their international cooperation policies alongside the 2030 Agenda, while some have given priority to the goal of combatting climate change and its impacts (SDG 13); calls on the Commission and the Member States to use communication strategies and activities to increase public and political support for climate action and to raise awareness of the co-benefits of fighting climate change, such as improved air quality and public health, the conservation of natural resources, economic growth and higher employment, increased energy security and reduced energy import costs;

79. Calls for the 2030 Agenda to be implemented as a whole and in a coordinated and coherent manner with the Paris Agreement on climate change, including as regards the need to urgently bridge the gap between what is needed to limit global warming and to increase work on and funding for adaptation; recalls the EU commitment to allocate 20 % of its 2014-2020 budget (some EUR 180 billion) to efforts to combat climate change, including through its external and development cooperation policies;

80. Regrets the fact that, despite clear and comprehensive scientific evidence brought forward in the IPCC Special Report on Global Warming of 1,5 °C, which detailed the damaging impacts of such a temperature increase and the significant difference in severity of those linked to a 2 °C increase, some parties to the Paris Agreement have not yet increased their climate ambition; welcomes international collaboration on emissions trading and the linking of third-country and regional carbon markets; calls on the Union to encourage the establishment of market-based emissions reduction schemes in emerging economies and developing countries; notes that this will serve to reduce global emissions, produce cost savings and operational efficiencies and limit carbon leakage risk by creating a global level playing field;

81. Stresses the need for global climate change mitigation and adaptation and emphasises the fundamental role played by developing countries in fulfilling the objectives of the Paris Agreement, the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda, as well as the urgent need to help those countries to achieve their nationally determined contributions; welcomes, in this regard, the fact that combatting climate change is a priority under the recently established European Fund for Sustainable Development (EFSD), aimed at mobilising public and private sector investment in partner countries in Africa and the EU neighbourhood;

82. Underlines that the EU should continue on its path, transitioning to a low-carbon, climate-neutral, resource-efficient and biodiverse economy in full compliance with the UN 2030 Agenda and the 17 SDGs, in order to reduce unsustainable tendencies that rely on the overexploitation of natural resources as well as the loss of biodiversity caused by unsustainable consumption and production models; highlights the importance of the EU speeding up its initiatives aimed at promoting responsible and sustainable consumption and production, while playing a leading role in working towards a circular economy;

83. Reiterates the universal values of democracy, good governance, the rule of law and human rights as preconditions for sustainable development as defined in SDG 16 (peaceful and inclusive societies); deeply regrets, however, the fact that globally, armed conflict and violence are still prevalent; expresses concern about the lack of progress in enhancing the rule of law and access to justice in many countries; recalls the commitment of the EU and the Member States, as expressed in the European Consensus on Development, to a comprehensive approach to conflict and crises, focusing on fragility and human security, while recognising the nexus between sustainable development, humanitarian action, peace and security and paying special attention to fragile and conflict affected states; stresses that the objective of peaceful and inclusive societies, including access to justice for all, should be integrated into EU external action which, by supporting local stakeholders, can help build resilience, promote human security, strengthen the rule of law and address the complex challenges of insecurity, fragility and democratic transition;

84. Stresses that combating inequalities in and between countries, tackling discrimination and promoting peace, participatory democracy, good governance, the rule of law and human rights must be objectives cutting across EU development policy;

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85. Welcomes the EU's endeavours to maximise coherence and build synergies between different policies in order to strengthen the means of implementation and revitalise the global partnership for sustainable development;
86. Stresses that inclusive and equitable education, science, technology, research and innovation are particularly important tools for implementing the SDGs and recognises the need to improve governance in this sector; regrets that the potential contribution of the scientific community has not been fully enhanced so far; emphasises the need for Horizon 2020 and future framework programmes for research to integrate better the concept of sustainable development and societal challenges; recalls the need to facilitate mechanisms for the meaningful transfer of technology to developing countries;
87. Calls on the Commission to add data related to the SDGs to the high-value datasets as defined in the directive on open data and public sector information and to encourage the Member States to publish all reports on the SDGs under a free license;
88. Emphasises the importance of fully utilising existing and upcoming EU programmes and instruments, such as the Horizon and LIFE programmes, which enable third country participation in the fields of energy, climate change and sustainable development;
89. Calls for an EU budget which gives sustainable development the status of a primary objective; recalls that the fight against fraud and tax evasion is an issue of solidarity development;
90. Emphasises that achieving the SDGs in the areas of food, agriculture, energy, materials, cities, and health and well-being could open market opportunities worth more than EUR 10 trillion⁽¹⁾; underlines, however, that in order to achieve the EU's ambition of a resource-efficient economy, the EU and its Member States must lead the way in science, technology, and modern infrastructure;
91. Highlights that given the growing complexity and globalisation of supply chains, it is important to promote the application of high sustainability standards, including in third countries;

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92. Instructs its President to forward this resolution to the Council, the Commission, the OECD and the United Nations.
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⁽¹⁾ Business and Sustainable Development Commission report, *Better Business, Better World*, January 2017.

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P8_TA(2019)0172

Scope and mandate for EU Special Representatives

European Parliament recommendation of 13 March 2019 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 scope and mandate for EU Special Representatives (2018/2116(INI))

(2021/C 23/23)

The European Parliament,

- having regard to Articles 2, 3, 6, 21, 33 and 36 of the Treaty on European Union (TEU),
- having regard to the Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service ⁽¹⁾,
- having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR on political accountability ⁽²⁾),
- having regard to the Annual Reports from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament on the implementation of the Common Foreign and Security Policy,
- having regard to the EU Annual Reports on Human Rights and Democracy in the World,
- having regard to the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy,
- having regard to the Guidelines on appointment, mandate and financing of EU Special Representatives of 9 July 2007 and to the Council Note (7510/14) of 11 March 2014;
- having regard to its resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service ⁽³⁾,
- having regard to the Global Strategy for the European Union's Foreign and Security Policy presented by the VP/HR on 28 June 2016, and the subsequent implementation reports,
- having regard to the EU Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, adopted by the Council in 2013,

⁽¹⁾ OJ L 201, 3.8.2010, p. 30.

⁽²⁾ OJ C 210, 3.8.2010, p. 1.

⁽³⁾ OJ C 351 E, 2.12.2011, p. 454.

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- having regard to the 1975 Helsinki Final Act of the Organisation for Security and Cooperation in Europe (OSCE) and all its principles, as a cornerstone document for the European and wider regional security order,
 - having regard to its resolutions on the Annual Reports from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament on the implementation of the Common Foreign and Security Policy,
 - having regard its resolutions on the EU Annual Reports on Human Rights and Democracy in the World,
 - having regard to 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 ⁽¹⁾,
 - having regard to its resolution of 4 July 2017 on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide ⁽²⁾,
 - having regard to its resolutions on Ukraine calling for the appointment of an EU Special Representative (EUSR) for Crimea and the Donbas region,
 - having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative on Human Rights ⁽³⁾,
 - having regard to Rule 110 and Rule 113 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0171/2019),
- A. whereas the EU has the ambition to be a stronger global actor, not only economically but also politically, striving with its actions and policies to contribute to the maintenance of international peace and security and a rules-based global order;
- B. whereas the EU Special Representatives (EUSRs) are appointed by the Council on a proposal from the VP/HR, with the mandate of advancing particular goals of a thematic or geographically specific political or security nature; whereas they have proven to be a valuable and flexible instrument for EU diplomacy, as they can personalise and represent the EU in crucial places and situations, with the backing of all Member States; whereas the flexibility of the EUSRs' mandates means that they are operational instruments which can be deployed quickly when concerns arise in certain countries or on certain themes;
- C. whereas, thanks to their frequent presence in the field, EUSRs have a privileged position to establish a dialogue with civil society and local actors as well as to conduct research on the ground; whereas this direct experience allows them to contribute constructively to policy and strategy formulation;
- D. whereas there are currently five regional EUSRs (for the Horn of Africa, the Sahel, Central Asia, the Middle East Peace Process, and the South Caucasus and the crisis in Georgia), two country-specific EUSRs (Kosovo and Bosnia and Herzegovina), and one thematic EUSR, responsible for human rights;
- E. whereas currently only two EUSRs are women;

⁽¹⁾ OJ C 356, 4.10.2018, p. 130.

⁽²⁾ OJ C 334, 19.9.2018, p. 69.

⁽³⁾ OJ C 332 E, 15.11.2013, p. 114.

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- F. whereas in the case of EUSRs appointed with mandates for specific countries, the 'double-hatting' by which the EUSR is simultaneously the head of the EU Delegation to the country concerned has contributed to the coherence and efficiency of the EU's external presence; whereas the deployment of further country-specific EUSRs needs to be consistent with the EU's external action strategies, given the strengthening of the EU Delegations via the Lisbon Treaty, through which they acquired responsibility for coordination of all EU action on the ground, including CFSP policies;
 - G. whereas there are other high-priority areas and conflicts, including in the EU'S immediate neighbourhood, that require special focus, more involvement and EU visibility, such as Russia's aggression in Ukraine and illegal occupation of Crimea;
 - H. whereas the EUSRs have proved their usefulness, notably in their conducting of high-level political dialogues and their capacity to reach high-level partners in very sensitive political environments;
 - I. whereas the EUSRs are financed out from the CFSP budget, as co-decided by Parliament, and are accountable for budget implementation vis-à-vis the Commission;
 - J. whereas the VP/HR has committed to respond positively to requests by the European Parliament to hear newly appointed EUSRs before they take up their posts and to facilitate regular briefings of Parliament by the EUSRs;
 - K. whereas EUSRs are selected from among individuals who have previously held senior diplomatic or political office in their country or in international organisations; whereas they enjoy a substantial degree of flexibility and discretion as to how their mandate is executed, which can be conducive to reaching set goals, implementing strategies and providing added value to the EU;
 - L. whereas the key role of EUSRs is to contribute to the unity, consistency, coherence and effectiveness of the EU's external action and representation; whereas they demonstrate the EU's interest in a given country, region or thematic area and strengthen its visibility, and contribute to the implementation of a given EU strategy or policy towards the mandated country, region or thematic issue;
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:
- a. to present a strategic reflection on the use, role, mandates and contribution of the EUSRs in light of the implementation of the EU Global Strategy;
 - b. to ensure that EUSRs are only appointed if there is a clear added value in using this instrument, i.e. if their tasks cannot be efficiently fulfilled by existing structures within the EEAS, including by EU Delegations, or within the Commission;
 - c. to ensure that EUSRs are primarily used to step up EU efforts in conflict prevention and resolution and implementation of the EU strategies, in particular through mediation and dialogue facilitation, and to advance EU policy objectives in specific thematic fields, all within the remit of external relations and respecting international law;
 - d. to avoid a proliferation of EUSRs and a fragmentation of their mandates which would create overlap with other EU institutions and lead to increased coordination costs;
 - e. to ensure that the mandates and actions of EUSRs when addressing regional security and conflict prevention, mediation and resolution are guided by the principles of international law as outlined in the 1975 Helsinki Final Act and other crucial norms of international law, as well as by the peaceful settlement of disputes, as a key element of the European security order and as emphasised in the EU Global Strategy; and to comply with all rules and policies adopted by the EU towards the region or conflict covered within their sphere of responsibility;

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- f. to consider all possible means to strengthen the role of the EUSRs as an effective tool of EU external policy, capable of developing and advancing EU foreign policy initiatives and promoting synergy, notably by ensuring that EUSRs can travel freely within the area covered by their mandate, including conflict zones, for the purpose of effective implementation of their tasks;
- g. to ensure greater transparency and visibility of the work of the EUSRs, including by public reporting on country visits, work programme and priorities, as well as the creation of individual webpages to allow public scrutiny of their action;
- h. to reinforce the assets that constitute the added value of the EUSR, namely legitimacy built on the backing of the VP/HR and the Member States, country/regional/thematic responsibilities, political weight, flexibility, and enhancing the EU's presence and visibility in partner countries, thus strengthening the EU's profile as an effective international actor;

On the mandate

- i. to permit an adequate length of mandate that creates a perspective enabling the hiring of qualified senior staff and allows implementation of the mandate, as well as confidence-building with partners, establishing networks and influencing processes; to ensure regular review in line with developments in the country/region or subject concerned and also allow for prolongation of the mandate if required by circumstances;
- j. to contribute to implementation of an EU policy or strategy towards the mandated area and to the formulation or revision of strategies or policies;
- k. to ensure that conflict prevention and resolution, mediation and dialogue facilitation, as well as fundamental freedoms, human rights, democracy, the rule of law and gender equality, are viewed as horizontal priorities and therefore as cornerstones of the scope of the EUSRs' mandates, and that adequate reporting on action taken in these areas is ensured;
- l. to require evaluation and monitoring procedures covering results attained, obstacles encountered, indication of key challenges, input to policy formulation, and assessment of the coordination of EUSR activities with other EU actors, in order to favour exchanges of best practices amongst EUSRs as well as to assess performance and consider the renewal and review of mandates;
- m. to ensure the coherence of the mandate for Central Asia with the 2007 EU Strategy for Central Asia, reviewed in 2015 in order to enhance the Union's effectiveness and visibility in the region;
- n. to introduce an extensive 'cooling-off' period for EUSRs, with a view to ensuring the highest possible level of ethical standards for cases of conflict of interest;
- o. to ensure that Parliament's Committee on Foreign Affairs is involved in the drafting of the mandates, new and extended, of the EUSRs;

On the tools

- p. to maintain the flexibility and autonomy that EUSRs currently enjoy as a distinctive CFSP instrument with a separate financing source and a privileged relationship with the Council; to strengthen, however, at the same time, the coordination and reporting links with the related EEAS managing directorates (regional, thematic, CSDP and crisis response) and with the related DGs of the Commission; to ensure a swift and transparent nomination and confirmation process;

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- q. to address the shortcomings in maintaining institutional memory and continuity between outgoing and incoming EUSRs by reinforcing logistical and administrative support from the EEAS, including archiving, and by primarily seconding policy advisors from the EEAS and other EU institutions as appropriate to join the EUSR teams;

On the personal profile

- r. to appoint as EUSRs persons with extensive diplomatic and political expertise and an appropriate profile, ensuring in particular that they have the political clout needed to establish links and mutual trust with high-level interlocutors; to profit in this regard from the existing pool of persons with political and diplomatic experience across the EU; to respect gender and geographic balance; to make sure that the decision of appointing a specific person is made in a transparent manner and only after confirming the candidate's admissibility, in particular with regard to any potential conflict of interests and to ensuring that the candidate meets the standards of ethical conduct;
- s. to ensure that the appointment of EUSRs may only be confirmed after a positive evaluation by Parliament's Committee on Foreign Affairs;
- t. to provide greater ease of access to information and justification concerning selected candidates;

On the areas covered

- u. to focus the mandates of the EUSRs on strengthening regional security and on conflict prevention and resolution, especially through facilitating dialogue and mediation in which EU engagement can bring added value; to ensure that in case of thematic focus, appointment of an EUSR does not duplicate or undermine the role of the Commission and the EEAS;
- v. taking into account the role of EUSRs as a specific diplomatic tool in EU external action and recognising the importance of the stability of the European Neighbourhood, to encourage EUSRs to develop ever closer relations with the countries affected by protracted conflicts, with the emphasis on the strong need for EUSRs to contribute to the peaceful settlement of conflicts in the neighbourhood of the EU;
- w. to welcome the appointment of the new EUSR for Human Rights and acknowledge the work of the previous holder of the post, who successfully fulfilled his role of enhancing the effectiveness and visibility of EU human rights policy; notes that the post's responsibilities have been expanded to include promoting compliance with international humanitarian law and promoting support for international criminal justice;
- x. to strengthen the capacity and role of the EUSR for Human Rights, taking into account that this position has a worldwide mandate that therefore requires and implies political dialogue with third countries, relevant partners, business, civil society and international and regional organisations, and action in relevant international fora;
- y. while being mindful of the importance of not significantly increasing the number of EUSRs so as not to detract from their special nature, to phase out the mandates of the existing country-specific EUSRs and, pending the overall division of responsibilities in the next Commission and the EEAS, to consider the appointment of regional EUSRs; to consider appointing thematic EUSRs for the international coordination of the fight against climate change, for international humanitarian law and international justice, and for disarmament and non-proliferation, in the last-named case to take over from the current EU Special Envoy for this area;
- z. to appoint a new EUSR for Ukraine, focusing in particular on Crimea and Donbas, to be responsible for monitoring the human rights situation in occupied territories, implementation of the Minsk Agreements, de-escalation in the Sea of Azov and pursuing the rights of internally displaced persons (IDPs), as previously called for by Parliament in its resolutions;

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On interaction and cooperation

- aa. to reinforce the interaction and coordination of EUSRs with the different EU institutions, civil society and the Member States so as to ensure maximum synergy and coherent engagement of all actors; to strengthen the involvement of EUSRs in the EU Conflict Early Warning System; to ensure there are no overlaps with other high-level diplomatic figures such as EU Special Envoys; and to ensure cooperation with other like-minded partners and envoys, including those appointed by the UN, NATO and the US;
 - ab. considering that the European Parliament is co-legislator for the civilian part of the CFSP budget, which is administered by the Service for Foreign Policy Instruments (FPI), to reinforce Parliament's oversight of the EUSRs' activities and to enhance their level of accountability and the transparency of their work, recalling that this goal can be achieved by sharing information on a regular basis about the EUSRs' implementation of their mandate, their work and achievements and the challenges they face, through regular and at least yearly meetings and exchanges of views between EUSRs and the relevant EP bodies, in particular its Committee on Foreign Affairs and its Subcommittees on Human Rights and on Security and Defence, as well as by systematic sharing with the EP of reports and country strategies sent by EUSRs to the Political and Security Committee (PSC) within the Council and to the EEAS; and, to this end, to insist that these documents be included within the Interinstitutional Agreement in the area of the CFSP;
 - ac. to encourage interaction and facilitate dialogue with civil society and citizens, in the regions covered by EUSRs, as a part of the preventive diplomacy and mediation processes, and also in the interests of the EU's visibility; to ensure, in particular, that EUSRs exhibit a proactive engagement towards civil society actors, human rights defenders or dissenting voices who may be under threat or targeted by the local authorities;
2. Recommends that the next European Parliament should require a commitment from the new VP/HR to come up, within the first six months of his or her mandate, with a strategic reflection on the use of EUSRs, in the context of the implementation of the Global Strategy and along the lines of the principles and recommendations set out above;
 3. Instructs its President to forward this recommendation to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the EU Special Representatives.
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P8_TA(2019)0187

Follow up taken by the EEAS two years after the EP report on EU strategic communication to counteract propaganda against it by third parties

European Parliament recommendation of 13 March 2019 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning taking stock of the follow-up taken by the EEAS two years after the EP report on EU strategic communication to counteract propaganda against it by third parties (2018/2115(INI))

(2021/C 23/24)

The European Parliament,

- having regard to the European Council conclusions of 28 June and 18 October 2018,
- having regard to the Commission communication of 26 April 2018 entitled ‘Tackling online disinformation: a European Approach’ (COM(2018)0236),
- having regard to EU-wide Code of Practice on Disinformation published on 26 September 2018,
- having regard to its resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties ⁽¹⁾,
- having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 6 April 2016 entitled ‘Joint framework on countering hybrid threats: a European Union response’ (JOIN(2016)0018),
- having regard to the Commission communication of 20 April 2016 on delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union (COM(2016)0230),
- having regard to the European Endowment for Democracy feasibility study on Russian Language Media Initiatives in the Eastern Partnership and Beyond, entitled ‘Bringing Plurality and Balance to the Russian Language Media Space’,
- having regard to the report of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 18 May 2015 entitled ‘The European Union in a changing global environment — A more connected, contested and complex world’, and to the ongoing work on a new EU Global Security Strategy,
- having regard to 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⁾,
- having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 13 September 2017 entitled ‘Resilience, Deterrence and Defence: Building strong cybersecurity for the EU’ (JOIN(2017)0450),
- having regard to the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 7 June 2017 entitled ‘A Strategic Approach to Resilience in the EU’s external action’ (JOIN(2017)0021),

⁽¹⁾ OJ C 224, 27.6.2018, p. 58.

⁽²⁾ OJ C 356, 4.10.2018, p. 130.

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- having regard to Article 19 of the Universal Declaration of Human Rights (UDHR), which protects the right of everyone to maintain an opinion without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media,
- having regard to the Joint Declaration on EU-NATO Cooperation of 10 July 2018,
- having regard to the Joint Declaration of 3 March 2017 on Freedom of Expression and ‘Fake News’, Disinformation and Propaganda by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, the Organisation of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information,
- having regard to the Report of 6 April 2018 of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,
- having regard to its recommendation of 29 November 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 Defence of academic freedom in the EU’s external action ⁽¹⁾,
- having regard to the most recent Europol ‘European Union Terrorism Situation and Trend Report’ from 2018, which highlighted the increase in the activities of terrorist groups in cyberspace and their possible convergence with other criminal groups,
- having regard to the Joint Communication of 5 December 2018 by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Action Plan against Disinformation’ (JOIN (2018)0036) and the Commission’s Report on the implementation of the Communication ‘Tackling online disinformation: a European approach’ (COM(2018)0794) of the same date,
- having regard to the work of the Transatlantic Commission on Election Integrity,
- having regard to the Santa Clara Principles on Transparency and Accountability of Content Moderation Practices,
- having regard to the EU Action Plan on Strategic Communication of 22 June 2015,
- having regard to Rule 113 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A8-0031/2019),

1. Recommends the following to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

State of play 2018 — Tackling hybrid warfare

- (a) to stress that freedom of speech and expression as well as media pluralism are at the heart of resilient democratic societies, and provide the best safeguards against disinformation campaigns and hostile propaganda; expresses its concern about deteriorating media freedoms and cases of journalists being targeted; notes that further steps should be taken with all the relevant stakeholders to guarantee the transparency of media ownership and media pluralism without enforcing a censorship scheme and to protect an enabling environment for a wide variety of information, ideas, a diverse media and civil society landscape, as well as efforts aimed at identifying and raising awareness about disinformation and propaganda; to involve all of the relevant stakeholders including the main press, journalists’ and media associations in these processes; underlines the importance of a functioning system of public broadcasting, which sets the standard of how to provide impartial and objective information in compliance with the best practice and ethics of journalism;

⁽¹⁾ Texts adopted, P8_TA(2018)0483.

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- (b) to consider developing a legal framework both at EU and international level for tackling hybrid threats, including cyber and information warfare, that would allow for a robust response by the Union, also covering targeted sanctions against those responsible for orchestrating and implementing these campaigns, the need for which was demonstrated in particular by the hostile actions of state and non-state actors in these areas;
- (c) to consider that Daesh has been changing its tactics, shifting from websites to the encrypted messaging service popular with Islamist groups;
- (d) to support not only the growing number of state institutions, think tanks and NGOs dealing with propaganda and disinformation, but also grassroots cyber activities; calls on the VP/HR and the Commission to become more closely involved in this area by preparing a thorough assessment of the new regulations, including the General Data Protection Regulation (GDPR) and the upcoming e-Privacy Regulation, as a safeguard against malicious use of social platforms; to ensure that EU strategic communication becomes a matter of high priority on the European agenda and that the EU institutions and Member States work hand in hand on preventing such phenomena, while bearing in mind that disinformation and propaganda thrive in a polarised environment with falling levels of trust in the media;
- (e) to urge the Member States that continue to deny the existence of disinformation and hostile propaganda, the main sources of disinformation in Europe and the impact disinformation and propaganda have on public opinion to recognise them, and to encourage these Member States to take proactive measures in order to counteract and debunk such propaganda, including the proven cases of espionage by third countries; to invite all Member States to evaluate the situation within their territory and make relevant investments in their own capacity to counter strategic communication by hostile third parties and to improve the ability of citizens to detect disinformation, as well as to encourage Member States to ensure an effective exchange of information on this matter; to call on European leaders who have still not devoted sufficient attention to this threat to recognise the imminent necessity of a strategic awakening in order to counter hostile information warfare;
- (f) to urge the Member States to invest proactively in educational measures that explain the different ways of producing and disseminating disinformation in order to improve citizens' ability to detect and respond to disinformation;
- (g) to encourage the Member States to ensure an effective exchange of information between all of their relevant authorities for tackling propaganda, manipulation and disinformation, including the cyber and information warfare;
- (h) to raise awareness about Russia's disinformation campaigns, as this constitutes the main source of disinformation in Europe;

Types of misinformation, disinformation and propaganda targeting the EU and its neighbours

- (i) to recognise the work done at various levels to identify the types of influence and tools used against the EU and its neighbourhood; to raise awareness about ongoing disinformation campaigns and to shift attention to in-depth analysis and research of their impact and effectiveness in order to develop measures to counteract them in a proactive and swift manner; to encourage the Member States to establish permanent structures to identify, prevent and counteract disinformation; underlines that disinformation campaigns are part of a broader strategy and are usually accompanied by other hostile activities and that in particular information warfare accompanying military offensives should be taken seriously and counteracted with determination, unity and strength;
- (j) to warn about the impact of artificial intelligence (AI) and its rapid development in the dissemination of fake news, and notes with concern that AI will soon be able to independently create further AI capabilities; to commit significant funding therefore to research and development at the intersection of AI and information warfare in view of the rapidly growing capabilities of AI in the area of spreading propaganda and disinformation, including by means of, *inter alia*, deep fake videos;

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- (k) to focus on the ongoing use of disinformation by authoritarian actors such as Iran, whose dissemination of fake news instigates and inflames further tensions in volatile conflict zones while simultaneously targeting European populations to hide nefarious intent; to urge Member States to counteract such actions by enhancing cooperation and utilising lessons learned by like-minded countries and NGOs;
- (l) to focus on and adapt the EU's and Member States' response to the continuously growing sophistication of the tools used to create and to spread disinformation, including the new ways of spreading propaganda by using multiple low-level websites, private messaging apps, search engine optimisation, manipulated sound, images or video, AI, online news portals and TV stations to disseminate the main narratives, especially by opinion formers and state controlled or funded institutions that deliver key messages and narratives appealing to authoritarian actors; strongly condemns the increasingly aggressive actions of Russia, China, Iran, North Korea and others in this context, which seek to undermine or suspend the normative foundations and principles of European democracies and the sovereignty of all Eastern Partnership countries, as well as influence elections and support extremist movements, taking into account that the scale of cyberattacks is constantly growing;
- (m) to pay special attention to messages and content openly aimed at encouraging violence, racism, suicide attacks, recruitment of 'foreign fighters', various crimes or overt incitement to one or more of these activities;

Industry and social media

- (n) while acknowledging a new investment of effort by social media companies to tackle disinformation, to pay special attention to the effective implementation of the EU Code of Practice on Disinformation, while also inviting EU neighbour and partner countries to sign up to the EU Code of Practice on Disinformation, as well as paying special attention to the new tactic of using encrypted messaging services and social media which, in spite of their efforts to the contrary, are considered the most common tool for spreading disinformation, hostile propaganda and content that incites hatred and violence;
- (o) to regulate, together with the Member States, the actions of social media companies, messenger services and search engine providers and ensure their full transparency and, in particular, accountability, adopting an EU-wide approach, and making it possible to uncover the identity and location not only of the authors, but also of the sponsors of the submitted political content, and to hold the companies to account for the social impact of automated recommendation systems that promote disinformation, stressing that companies have a responsibility to speedily take down systemic fake news; urges Member States, candidate countries and associated countries to adopt effective and clear legislation that ensures the transparency of media ownership; to pay particular attention to the funding, transparency and objectives of NGOs with links to authoritarian states operating in the EU and within its partner countries;
- (p) to make sure the industry and online platforms deliver on the commitments undertaken in the Code of Practice on Disinformation and effectively tackle the disinformation problem by: (i) ensuring transparency of political advertising based on effective due diligence checks of the identity of sponsors, (ii) taking decisive action against fake accounts active on their services, (iii) identifying the misuse of automated bots, and (iv) cooperating effectively with independent fact-checkers;
- (q) to urge social media companies and messenger service providers to ensure full compliance with EU data protection law and other regulations, and to react in real time and cooperate closely with the competent authorities in all investigations into the alleged use of their platforms for hostile purposes, and to perform transparent audits of entities suspected of spreading misinformation; calls on technology companies to invest more in tools identifying propaganda, in improving online accountability and in ensuring better identity checks of users before joining the respective platforms in order to eliminate botnets, as well in reducing financial incentives for those who profit from disinformation; to urge social media companies to react urgently when suspicious content of a political nature is disseminated, particularly if it incites to hate or crime;

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- (r) to bear in mind that the banning of suspicious accounts may be seen as censorship, and therefore make sure that such actions are justified if they are prescribed by law and carried out transparently, in cooperation with the competent authorities and civil society in Member States and partner countries, and with full insight into the reasons for doing so, including by urging social media companies to provide clear notice to all users about what types of content are prohibited, and clear notice to each affected user about the reason for the removal of their content or the suspension of their account; calls for alignment of internal set by social media for their users with legal order of the country they operate in;

Best practices

- (s) to continue to develop greater resilience based on all-government and all-society approaches, and the ability to respond to threats in real time, develop pre-emptive and proactive measures and think one step ahead, rather than merely reacting to and analysing attacks that have already taken place in the cyber and information domains; to draw attention to the technical progress in this field and share examples of best practice in the form of measures already taken by individual Member States, including performing a review of the functioning of National Approaches introduced by the Member States, while developing ways of fostering close cooperation with the United Kingdom after Brexit, and to work in cooperation with the intelligence community and allies such as the US and Canada, NATO and the EU Intelligence and Situation Centre (INTCEN);
- (t) to pay special attention to enhancing investigatory efforts into the ongoing process of outsourcing propaganda and using a set of force multiplying tools by hostile third parties, as well as to the importance of not only debunking, exposing and enhancing attribution capabilities, but also ensuring the clear attribution of such attacks, including publicly naming the perpetrators, their sponsors and the goals they seek to achieve, as well as measuring the effects of these attacks on the targeted audience; to publicise all debunked cases of hostile propaganda accompanied by means of a detailed factsheet in an effort to alert the public in a manner that reaches the audience targeted by the given case of hostile propaganda;
- (u) to support and involve civil society, the expert community, private institutions, academia, grassroots cyber activists, the mainstream press, journalists' and media associations and the growing number of actors targeted and affected in the further enhancement of measures aimed at fact-checking and the exposing of disinformation, deepening of research, including in-depth studies and sociological research, and more effectively analysing information manipulation; to support professional journalism, investigative reporting and projects that work on exposing disinformation as well as hi-tech start-ups that create digital tools arming the audience against disinformation attacks; to highlight the importance and need for providing funding and education, including seminars and training courses in cooperation with Member States and civil society, such as an online media literacy library and learning centre, aimed at awareness-raising and tackling disinformation and increasing media literacy;
- (v) to welcome the set of measures adopted by NATO aimed at countering new types of hybrid threat and a joint communication on EU-NATO cooperation on this matter; to call for the EU to ensure effective and swift implementation of these recommendations, also at Common Security and Defence Policy (CSDP) level;

European approach

- (w) to welcome the establishment of the new EEAS Strategic Communication Task Forces consisting of experts with appropriate linguistic skills and knowledge, namely the Task Force for Western Balkans and the Task Force South for the countries in the Middle East, Northern Africa and the Gulf region, which have been tasked with ensuring coordinated and consistent EU communications in the regions and counteracting disinformation and propaganda against the EU;

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- (x) to acknowledge the tangible results achieved by the East StratCom Task Force, including the creation of euvdisinfo.eu and the @EUmythbuster account on Twitter; underlines that since its creation, it has debunked over 4 000 cases of disinformation campaigns on a wide variety of subjects; to continue to support the joint efforts of the Commission and the EEAS and the EU's East StratCom Task Force after an analysis of its strengths, weaknesses and the improvements needed, including improving its capabilities to detect, analyse and expose disinformation by equipping the EEAS Strategic Communication Task Forces and EU Delegations in the neighbourhood with new staff, tools and skills, including new data analysis tools, the recruitment of additional data scientists and disinformation experts, as well as covering a wider range of sources and languages on the reach and impact of disinformation;
- (y) to urgently turn the East StratCom Task Force into a fully-fledged unit or even a bigger structure within EEAS, and to support, through the forthcoming allocation of funding by the European Parliament, all three EEAS Strategic Communication Task Forces by providing them with adequate financial and personnel resources, which are still required, aimed at the significant increase of their potential, effectiveness, professionalism, institutional continuity and quality of work, as well as safeguarding them against political meddling by officials and countries that back Russian disinformation;
- (z) to address the current deficiencies in the East StratCom Task Force, including lack of regional expertise, a large turnover of staff and lack of institutional continuity, and to ensure adequate financial resources and an adequate organisational structure, as this is the only way to ensure full professionalism, effectiveness and results;
- (aa) to invite Member States which have not done so already to assign their own seconded National Experts, ensuring that the experts engaged by the EU to counter disinformation are not politically biased or active participants in internal political disputes within the given country, to the three StratCom Task Forces; to also invite close partner countries to advise the task force on the tactics employed by common state and non-state adversaries, and to acknowledge the importance and necessity of better coordination within the EU;
- (ab) to intensify the cooperation between the East StratCom Task Force and all the EU institutions, Member States and like-minded partners; to encourage the EU Representations inside the EU, and the EU Delegations outside the EU, in supporting the work of the East StratCom Task Force, Task Force South and Task Force for Western Balkans, including by sharing international experiences and best practices and providing translations of their publications in local languages; calls for more dedicated staff to work on strategic communication, in particular in EU Delegations in the Eastern and Southern neighbourhood and the Western Balkans;
- (ac) to focus on the accession countries and partners in the EU neighbourhood by assisting them in their efforts to counteract hostile propaganda and disinformation activities and including experts from the third countries in the EU neighbourhood that are subjected to the same threats, as well as giving priority to the development of a long-term strategic approach and outreach towards Eastern Partnership countries in particular; to strengthen the capabilities of the EU Delegations abroad and the Commission Representations and the European Parliament Liaison Offices in Member States to develop local capacity to detect and expose disinformation and to communicate the EU's values and policies effectively and extend campaign-based communication and better coordinate and amplify positive narratives across the EU institutions and Member States; to consider the current proliferation and future threats of disinformation aiming to threaten the independence, sovereignty and territorial integrity of all Eastern Partnership countries within their internationally recognised borders; to give priority in particular to the development of a long-term strategic approach and outreach towards Eastern Partnership countries, focusing on people-to-people exchanges, and working with existing civil society networks that already represent a source of community-based resilience;
- (ad) to prioritise strategic communications, and to carry out a periodical review of EU policy on this issue; to continue support for the work of the European Endowment for Democracy (EED) towards practical solutions to support and strengthen democratic, independent and diverse Russian-language media in the countries of the Eastern Partnership and beyond; to invite the Commission and all Member States and like-minded countries to positively engage in and support this project; to pay attention to any international actor that currently behaves in a similar way;

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- (ae) to propose to the European Council that counteracting disinformation and hostile propaganda is given priority with sufficient resources and instruments to safeguard objective reporting and dissemination of information;
- (af) to link existing national and local specialised centres, news media, think tanks, NGOs and other actors and institutions, in particular NATO, dealing with hybrid warfare into an EU-wide network that would help coordinate their actions and gather their findings; to assign adequate resources to this undertaking; stresses that this network should be open to like-minded partners of the EU, which could share their experiences of being targeted by and countering disinformation and hostile propaganda; to ensure effective and swift implementation of EU-NATO recommendations on countering new types of hybrid threat, also at CSDP level, and to introduce the topic of countering strategic propaganda into the curriculum of the European Security and Defence College and its network;

Safeguarding elections from hostile propaganda

- (ag) to strongly condemn the interference of third parties of any kind, including private companies, in elections and referenda, and the malicious use of bots, algorithms, artificial intelligence, trolls, deep fakes and fake accounts in political campaigns and to call on the affected Member States to urgently conduct thorough investigations into these hostile campaigns; is concerned about recent developments in the algorithms of large social networks and their potentially harmful role in highlighting content containing false information or hate speech; to stress the ability of independent democratic societies to make their own sovereign political choices which is legitimate;
- (ah) to invite the Member States and like-minded countries to share data about any foreign or internal interferences in electoral processes and exchange best practices on counteracting them in order to increase resilience to such interference;
- (ai) to invite Member States to ensure that electoral laws take into account possible threats stemming from disinformation campaigns, cyber attacks, cybercrimes and violations of freedom of expression when voting, and stresses that these laws should be adequately amended to enable Member States to effectively and proactively counteract such threats; in this regard commends initiatives such as the Swedish Civil Contingencies Agency; to support the EU-associated countries and the Western Balkans with best practices as well as human resources and technology to ensure robust defence of their electoral processes from malicious cyber, disinformation and propaganda activities emanating from Russia and other hostile actors;
- (aj) to invite Member States to adapt their electoral rules on online campaigning, and to monitor and evaluate the transparency features in relation to political advertising introduced by the online platforms;
- (ak) to propose legislation to address data use in election campaigning, following the exposure of data misuse by Cambridge Analytica in the 2016 UK referendum campaign, in order to further safeguard future election campaigns from undue influence;
- (al) to take stock of initiatives such as the bipartisan Transatlantic Commission on Election Integrity, bringing together representatives from politics, technology, the media and business with the aim of securing electoral process from foreign interference;

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, for information, to the EEAS and NATO, as well as the President, Government and Parliament of Russia.

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P8_TA(2019)0188

Association Agreement between the EU and Monaco, Andorra and San Marino**European Parliament recommendation of 13 March 2019 to the Council, to the Commission and to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the association agreement between the EU and Monaco, Andorra and San Marino (2018/2246(INI))**

(2021/C 23/25)

The European Parliament,

- having regard to Council Decision (EU) 2014/... of 22 December 2014 authorising the Commission to negotiate, on behalf of the Member States, the provisions of one or several Association Agreement(s) with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino that fall within the competences of the Member States,
 - having regard to Article 218 of the Treaty on the Functioning of the European Union,
 - having regard to Article 8 of the Treaty on European Union and to the Declaration on Article 8 of the Treaty on European Union, which states that the Union will take into account the particular situation of small-sized countries which maintain specific relations of proximity with it,
 - having regard to the Commission communication of 20 November 2012 entitled ‘EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino: Options for Closer Integration with the EU’ (COM(2012)0680),
 - having regard to the Commission staff working paper of 20 November 2012 entitled ‘Obstacles to access by Andorra, Monaco and San Marino to the EU’s Internal Market and Cooperation in other Areas’ (SWD(2012)0388),
 - having regard to the Commission report of 18 November 2013 entitled ‘EU Relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino: Options for their participation in the Internal Market’ (COM(2013)0793),
 - having regard to the Council conclusions of 11 December 2018 on a homogeneous extended internal market and EU relations with non-EU Western European countries,
 - having regard to Rule 113 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0074/2019),
- A. whereas the Principality of Andorra (Andorra), the Principality of Monaco (Monaco) and the Republic of San Marino (San Marino) have a long-standing history of statehood; whereas they have always been at the core of European history and have deep, long-standing political, economic, social and cultural relations with the Member States in their immediate proximity and with the EU at large; whereas the EU’s partnership with these countries is founded on our common set of political and cultural values;
- B. whereas Andorra, Monaco and San Marino have demonstrated a strong political, economic and cultural European vocation and a strong desire to pursue closer political, economic and cultural relations with the European Union; whereas in the interests of Andorra, Monaco and San Marino, on the one hand, and the EU, on the other, it is important to respond positively to this vocation in a timely manner and to facilitate the rapid conclusion of negotiations on the new association agreement, which will form the new framework for relations between the EU and these countries;

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- C. whereas it is also in the interests of the Member States that traditionally have close historical, political and economic ties with Andorra, Monaco and San Marino to foster the deepening and specification of the relations of these states with the European Union at large; whereas it is therefore essential that the special bilateral relationship that these Member States already enjoy with Andorra, Monaco and San Marino is taken into account, in particular for the purposes of legal certainty;
- D. whereas Andorra, Monaco and San Marino have a long-standing practice of supporting the European Union's policy stance in the United Nations;
- E. whereas Andorra, Monaco and San Marino are, each in their own right, relevant economic partners for the Member States in their immediate proximity and provide employment opportunities for a considerable number of EU citizens; whereas a closer interface between Andorra, Monaco and San Marino and the EU would provide all parties with an important opportunity for further economic development, with a positive economic spillover effect on the Member State regions in immediate proximity, including through additional employment opportunities and the enhancement of international professional skills;
- F. whereas when conducting the negotiations on the association agreement, it is important to take full account of the specificities of Andorra, Monaco and San Marino as small-sized states, in line with Declaration 3 on Article 8 of the Treaty on European Union; whereas it is therefore important to recognise the small territorial dimensions and number of inhabitants of Andorra, Monaco and San Marino and the relevant implications thereof in terms of preserving adequate socio-economic access and inclusion for the citizens of such states; whereas such access and inclusion are essential to preserving the culture, traditions and values specific to the three communities; whereas without such dedicated access and inclusion mechanisms, some citizens may struggle to find the means necessary to live in their country of origin; whereas it is therefore essential to preserve, including through adequate provisions in the association agreement, the political, socio-economic, cultural and identitarian fabric of Andorra, Monaco and San Marino and adapt them to the realities of European Union integration;
- G. whereas Andorra, Monaco and San Marino each have long-standing bilateral agreements with their respective neighbouring countries, which address issues of mutual concern, take into account the specificities and sensitivities of the three countries and reflect the need to preserve the viability of such states; whereas such specificities and sensitivities have been acknowledged by the Parliamentary Assembly of the Council of Europe;
- H. whereas Andorra, Monaco and San Marino have, each in their own right, pursued important reforms and regulatory convergence with the EU, with particular regard to the regulation of the banking and financial sector;
- I. whereas at its meeting of 4 December 2018, the Council decided to remove Andorra and San Marino from Annex II to the Council conclusions of 5 December 2017, thus confirming that they have complied with all remaining commitments related to transparency, fair taxation and anti-BEPS (base erosion and profit shifting) measures; whereas Monaco was never included in this annex and the Council noted as far back as 5 December 2017 that Monaco was fully compliant with these commitments; whereas at its meetings of April and July 2018, the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes declared Andorra, Monaco and San Marino to be compliant with the international standard on the exchange of information on request;
- J. whereas Andorra's important reforms and progressive alignment with EU legislation as regards financial regulation should be commended; whereas the EU and Andorra have reached a valuable agreement on tobacco and whereas Andorra will now be able to further intensify its move towards a more diversified economy; whereas this long-term process will present relevant challenges, and adequate protection will therefore be required for workers in Andorra as it shifts towards a more diversified economy; whereas broader access to the internal market will support economic development in the long term and will create new economic and employment opportunities in Andorra;

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- K. whereas San Marino is currently experiencing difficulties in exporting to Member States other than Italy as a result of the additional VAT documentation required (T2); whereas the association agreement should provide the opportunity of a level playing field across the EU, which would be very valuable to San Marino exporters; whereas the association agreement should give Andorran and San Marino banks full access to the EU passporting system for banks and financial services companies;
- L. whereas citizens of Monaco are a minority in their own country and the housing and employment markets are such that active support to citizens of Monaco is essential to preserve their capacity to continue to reside in the country; whereas the provisions on facilitated access to employment apply equally to citizens of Monaco and residents of the towns in Monaco's immediate surroundings; whereas 92 % of workers in Monaco are EU citizens;
- M. whereas the association agreement with the EU opens up the possibility of developing cooperation in areas of shared interest and participating in some of the EU's horizontal policies on issues such as research, the environment and education (Erasmus+);
- N. whereas the association agreement will require Parliament's consent for it to enter into force;
1. Recommends that the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:
- (a) seize the opportunity presented by the negotiations on the association agreement to demonstrate the value of closer relations and integration with the EU — looking at public opinion both in Andorra, Monaco and San Marino and in the EU — and to further reaffirm the importance of inclusion in EU bodies and policies for such countries in the longer term;
 - (b) prevent the risk of rejection of the association agreement once negotiations have been finalised, and engage in renewed efforts to provide those members of the public in Andorra, Monaco and San Marino who feel more vulnerable with information about the association agreement and to explain to them, in total transparency and in cooperation with the authorities of the three states, the scope, merits and possible shortcomings of the agreement, with a view to political unity and the broadest possible public support in each of the three states; encourage Andorra, Monaco and San Marino to do the same, and support them in such an endeavour;
 - (c) take full account of the small territorial dimensions and limited administrative resources, in relative terms, of Andorra, Monaco and San Marino and, in the negotiation process, adjust the required adoption and implementation of the *acquis communautaire* accordingly, so as to minimise excessive budgetary pressure, which would in turn have negative implications on public opinion and the budgetary resources available; provide assistance, where needed, to Andorra, Monaco and San Marino in providing for the necessary administrative capacity to ensure swift, dynamic and uniform transposition of the *acquis communautaire*;
 - (d) call for the creation, in each of the three states, of a coherent, efficient and effective institutional framework through which to implement the association agreement, in order to ensure the dynamic transposition of the *acquis communautaire* by the three countries and the uniform application and consistent interpretation of the provisions of the agreement, which must include a forum for consultation and a dispute resolution mechanism;
 - (e) emphasise to Andorra, Monaco and San Marino the importance of the overall integrity and homogeneity of the internal market and of respect for the fundamental aspects of all four freedoms of the internal market; recall the merits and economic benefits of full access, including for products and services, to the internal market and the need to preserve within it a level playing field and strong, resilient and effective institutional foundations to the benefit of all;
 - (f) provide for adequate EU support to Andorra, Monaco and San Marino, as regards their capacity to fully adopt and implement the *acquis communautaire* on a longer-term basis, including through closer institutional cooperation with the Member States in the immediate proximity; provide for access to EU funding for targeted projects and for the possibility of relying on existing administrative bodies in the Member States dedicated to the implementation of the *acquis communautaire*;

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- (g) foster increased capacity for adequate adoption and implementation of the *acquis communautaire* through the secondment of officials from the public administrations of Andorra, Monaco and San Marino to relevant EU institutions and bodies and those of its Member States;
- (h) consider, in the light of the need to reconcile the freedom of establishment envisaged under the association agreement and national provisions in Andorra, Monaco and San Marino seeking to preserve the socio-economic inclusion of their citizens, the possibility of temporary derogations, premised on an assessment of the real needs of the three states, subject to review clauses, anchored to specific socio-economic criteria for each negotiating state and adjusted to the timeframe required to ensure, in each state and through a gradual approach, a true level playing field and adequate competitive capacity for workers and companies; take note of the fact that the very small size of these countries is such that the impact of negotiated temporary derogations on the *acquis communautaire* would be negligible;
- (i) harness the opportunity of the Association Agreement to further cooperation with Andorra, Monaco and San Marino within the framework of Directive (EU) 2015/849 of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing⁽¹⁾;
- (j) adjust the requirements related to the provision of statistical data under the association agreement to the size of Andorra, Monaco and San Marino;
- (k) explore the possibility and feasibility, in parallel with negotiations on the association agreement, of securing access to Eurosystem liquidity for Andorra and San Marino, with a view to fostering the resilience capacity and stability of their respective national banking systems in the case of an internal or external systemic shock, while ensuring proper oversight by the European Central Bank; encourage Andorra and Monaco to become members of the International Monetary Fund and provide them, if needed, with technical assistance to this effect; encourage Andorra, Monaco and San Marino to continue their good efforts vis-à-vis convergence with the EU as regards financial regulation, tax governance and the fight against money laundering;
- (l) advance negotiations on the association agreement with Andorra, Monaco and San Marino and provide the negotiating parties with all necessary institutional and policy-specific support in a timely fashion, including assessments and expertise from the Commission's competent Directorates-General, so that negotiations can be completed as soon as possible and, in any case, within the next two years;
- (m) conclude before the end of the current mandate a joint political declaration with Andorra, Monaco and San Marino on the framework of the association agreement, in order to take stock of and preserve the progress achieved in the negotiations thus far, so that the new Commission and the European External Action Service can take stock of and build on this common understanding and advance negotiations further;
- (n) consider the negotiations on the association agreement an opportunity to take measures for joint investments in infrastructure of common interest, as well as measures aiming to boost joint academic research among Andorra, Monaco, San Marino and the EU Member States;

2. Takes the view that the next legislature of the European Parliament could serve as a valuable opportunity to set up a new interparliamentary delegation devoted to interparliamentary dialogue and cooperation with Andorra, Monaco and San Marino; believes, furthermore, that Parliament should pursue close cooperation between its services and the relevant services of the Parliaments of Andorra, Monaco and San Marino and regularly host young political, business and civil society leaders from these three countries in order to reinforce the positive narrative of a closer political, economic and policy interface with the EU within the framework of negotiations on the association agreement; takes the view that Parliament should foster periodic exchanges of views with the national parliamentary delegations of Andorra, Monaco and San Marino for the duration of the negotiations; believes that exchanges of views between the European Parliament and the national parliamentary delegations of Andorra, Monaco and San Marino should also be held on matters handled by Parliament that could have a direct effect on the economy of these countries, their relationship with the EU, or the effectiveness of the association agreement;

⁽¹⁾ OJ L 141, 5.6.2015, p. 73.

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3. Instructs its President to forward this recommendation to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Co-Princes, Government and General Council of Andorra, the Prince, Minister of State and National Council of Monaco, and the Captains Regent, Congress of State, and Grand and General Council of San Marino.

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2019)0135

Request for waiver of the immunity of Monika Hohlmeier

European Parliament decision of 12 March 2019 on the request for waiver of the immunity of Monika Hohlmeier (2019/2002(IMM))

(2021/C 23/26)

The European Parliament,

- having regard to the request for waiver of the immunity of Monika Hohlmeier, forwarded on 27 November 2018 by the public prosecutor's office in Coburg (Germany) in connection with a preliminary police investigation, and announced in plenary on 14 January 2019,
 - having regard to the waiver by Monika Hohlmeier of her right to be heard under Rule 9(6) of its Rules of Procedure,
 - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
 - having regard to Article 46 of the Basic Law of the Federal Republic of Germany,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report by the Committee on Legal Affairs (A8-0165/2019),
- A. whereas the public prosecutor's office in Coburg has forwarded a request for waiver of the immunity of Monika Hohlmeier, Member of the European Parliament elected for the Federal Republic of Germany, in connection with an offence within the meaning of Article 142 of the German Criminal Code; whereas, in particular, the proceedings relate to leaving the scene of an accident;

⁽¹⁾ Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23.

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- B. whereas, at around 15:00 on 4 September 2018, Monika Hohlmeier attempted to park her car in a car park in Lichtenfels (Germany); whereas the front of her vehicle hit the back of another car parked there, causing an estimated EUR 287,84 of damage; and whereas Monika Hohlmeier then left the scene of the accident without arranging to pay for the damage;
- C. whereas Article 9 of Protocol No 7 on the privileges and immunities of the European Union stipulates that Members of the European Parliament ‘shall enjoy, in the territory of their own State, the immunities accorded to members of their parliament’;
- D. whereas Article 46 of the Basic Law of the Federal Republic of Germany stipulates that a Member may not be called to account or arrested for a punishable offence without the approval of the Bundestag unless he or she is apprehended while committing the offence or in the course of the following day;
- E. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his or her immunity⁽¹⁾;
- F. whereas the alleged offence has no clear or direct bearing on the performance by Ms Hohlmeier of her duties as a Member of the European Parliament and does not constitute an opinion expressed or vote cast in the performance of those duties within the meaning of Article 8 of Protocol No 7 on the privileges and immunities of the European Union;
- G. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the proceedings have been brought with the intention of causing the Member political damage;
1. Decides to waive the immunity of Monika Hohlmeier;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Federal Republic of Germany and to Monika Hohlmeier.
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⁽¹⁾ Judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, EU:T:2008:440, paragraph 28.

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P8_TA(2019)0136

Request for waiver of the immunity of Jean-Marie Le Pen

European Parliament decision of 12 March 2019 on the request for waiver of the immunity of Jean-Marie Le Pen (2018/2247(IMM))

(2019/C 23/27)

The European Parliament,

- having regard to the request for waiver of the immunity of Jean-Marie Le Pen, forwarded on 5 September 2018 by the Ministry of Justice of the French Republic on the basis of a request made by the Prosecutor-General at the Paris Court of Appeal, and announced in plenary on 22 October 2018, in connection with a case pending before the Examining Magistrates pertaining to a judicial investigation on grounds of alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of parliamentary assistants,
 - having heard Jean-François Jalkh, replacing Jean-Marie Le Pen, in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
 - having regard to Article 26 of the Constitution of the French Republic,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0167/2019),
- A. whereas the Examining Magistrates at the Paris Regional Court have requested the waiver of the parliamentary immunity of Jean-Marie Le Pen in order to hear him in connection with alleged offences;
- B. whereas the request for waiver of immunity of Jean-Marie Le Pen relates to alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of assistants of Members of the European Parliament affiliated to the Front National;
- C. whereas a judicial investigation was launched on 5 December 2016 following a preliminary investigation initiated after a denouncement by the then President of the European Parliament on 9 March 2015 regarding a certain number of parliamentary assistants of Members of the European Parliament affiliated to the Front National;
- D. whereas during a search conducted at the headquarters of the Front National in February 2016, a number of documents were seized in the office of the treasurer of the Front National, which bore witness to the party's desire to make 'savings' through the European Parliament's defrayal of the remuneration of employees of the party by virtue of their capacity as parliamentary assistants;

(¹) Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- E. whereas the Front National's establishment plan, published in February 2015, listed only 15 Members of the European Parliament (of a total of 23), 21 local parliamentary assistants and 5 accredited parliamentary assistants (of a total of 54 assistants); whereas a number of parliamentary assistants declared that their place of employment was the headquarters of the Front National in Nanterre, in some cases indicating that they were employed there full time, though residing between 120 and 945 km from the declared place of employment; whereas, at this stage in the investigation, it emerged that 8 parliamentary assistants carried out virtually no parliamentary assistance work, or did so only as a very small part of their overall duties;
- F. whereas the investigations also revealed circumstances that made it seem unlikely that the parliamentary assistants concerned were genuinely performing duties connected with the European Parliament, notably:
- EU parliamentary assistants' employment contracts interspersed between two Front National employment contracts,
 - EU parliamentary assistants' employment contracts for the European Parliament and for the Front National running concurrently,
 - employment contracts for the Front National concluded for periods immediately following periods covered by EU parliamentary assistants' employment contracts;
- G. whereas the investigation revealed that in his capacity as Member of the European Parliament, Jean-Marie Le Pen employed a parliamentary assistant in 2011, but the parliamentary assistant in question told investigators that he had worked on the election campaign of another Member of the European Parliament during the period concerned; whereas Jean-Marie Le Pen arranged for the payment of parliamentary assistants' salaries to three other people, although they had done virtually no work whatsoever in that capacity;
- H. whereas the investigation also revealed that in his capacity as President of the Front National at the time of the alleged offences, Jean-Marie Le Pen established a system, brought to light by the European Parliament, of using EU funds to pay for some of the Front National's employees through parliamentary contracts with people who, in reality, worked for the party, thereby infringing the EU rules in force;
- I. whereas the Examining Magistrates consider it necessary to hear Jean-Marie Le Pen;
- J. whereas Jean-Marie Le Pen refused to enter an appearance in response to the summonses served by the investigators on 21 June 2018 and did the same when served with a summons by the Examining Magistrates in July 2018, invoking his parliamentary immunity;
- K. whereas with a view to carrying out the questioning of Jean-Marie Le Pen in connection with the charges brought against him, the competent authority lodged an application for his immunity to be waived;
- L. whereas, pursuant to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their parliament;
- M. whereas Article 26 of the French Constitution states that 'No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorisation of the Bureau of the House of which he is a member. Such authorisation shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or when a conviction has become final';
- N. whereas there is no evidence of nor any reason to suspect *fumus persecutionis*;
1. Decides to waive the immunity of Jean-Marie Le Pen;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Jean-Marie Le Pen.
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Tuesday 12 March 2019

P8_TA(2019)0137

Request for waiver of the immunity of Dominique Bilde

European Parliament decision of 12 March 2019 on the request for waiver of the immunity of Dominique Bilde (2018/2267(IMM))

(2021/C 23/28)

The European Parliament,

- having regard to the request for waiver of the immunity of Dominique Bilde, forwarded on 19 October 2018 by the Ministry of Justice of the French Republic on the basis of a request made by the Prosecutor-General at the Paris Court of Appeal and announced in plenary on 12 November 2018, in connection with a case pending before the Examining Magistrates pertaining to a judicial inquiry on grounds of alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of assistants,
 - having heard Jean-François Jalkh, replacing Dominique Bilde, in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
 - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 ⁽¹⁾,
 - having regard to Article 26 of the Constitution of the French Republic,
 - having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0166/2019),
- A. whereas the Examining Magistrates at the Paris Regional Court have requested the waiver of the parliamentary immunity of Dominique Bilde in order to hear her in connection with alleged offences;
- B. whereas the request for waiver of the immunity of Dominique Bilde relates to alleged offences of breach of trust, concealment of breach of trust, fraud by an organised group, forgery and the use of forged documents, and concealed work by concealment of employees, in relation to the employment conditions of assistants of Members of the European Parliament affiliated to the Front National;
- C. whereas a judicial investigation was launched on 5 December 2016, following a preliminary investigation initiated after a denouncement by the then President of the European Parliament on 9 March 2015 regarding a certain number of parliamentary assistants of Members of the European Parliament affiliated to the Front National;
- D. whereas during a search conducted at the headquarters of the Front National in February 2016, a number of documents were seized in the office of the treasurer of the Front National, which bore witness to the party's desire to make 'savings' through the European Parliament's defrayal of the remuneration of employees of the party by virtue of their capacity as parliamentary assistants; whereas, at this stage in the investigation, it emerged that eight parliamentary assistants carried out virtually no parliamentary assistance work, or did so only as a very small proportion of their overall duties;

(¹) Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

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- E. whereas it emerged that Dominique Bilde's full-time parliamentary assistant from 1 October 2014 to 31 July 2015 was one of the assistants who carried out virtually no parliamentary assistance work; whereas in the Front National's establishment plan published in February 2015, the job title of Dominique Bilde's parliamentary assistant was 'national planning officer', and he worked in the Policy Watch and Planning Unit under the responsibility of another Member of the European Parliament; whereas his contract as a parliamentary assistant was followed by two contracts in connection with the activities of the Front National for the period from August 2015 to 31 December 2016; whereas during the period covered by his contract as a parliamentary assistant, he also performed the following duties: Secretary-General of the *Collectif Marianne*, Secretary-General of the *Collectif Mer et Francophonie* and candidate in the March 2015 departmental elections in the department of Doubs;
- F. whereas the European Parliament suspended payment of the parliamentary assistance expenses related to the contract of Dominique Bilde's parliamentary assistant;
- G. whereas the Examining Magistrates consider it necessary to hear Dominique Bilde;
- H. whereas Dominique Bilde refused to answer the questions put by the investigators when she was heard by them in August 2017, and refused to appear before the Examining Magistrates at a hearing preparatory to her being charged with breach of trust which was due to be held on 24 November 2017, invoking her parliamentary immunity;
- I. whereas, with a view to carrying out the questioning of Dominique Bilde in connection with the charges brought against her, the competent authority lodged an application for her immunity to be waived;
- J. whereas, pursuant to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of their parliament;
- K. whereas Article 26 of the French Constitution states that 'No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorisation of the Bureau of the House of which he is a member. Such authorisation shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or when a conviction has become final';
- L. whereas there is no evidence of nor any reason to suspect *fumus persecutionis*;
1. Decides to waive the immunity of Dominique Bilde;
 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Dominique Bilde.
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Wednesday 13 March 2019

P8_TA(2019)0164

Failure in committee to secure a majority on a proposal for a legally binding act (interpretation of Rule 171(1), first subparagraph, point (b), of the Rules of Procedure)

European Parliament decision of 13 March 2019 concerning the failure in committee to secure a majority on a proposal for a legally binding act (interpretation of Rule 171(1), first subparagraph, point (b), of the Rules of Procedure) (2019/2011(REG))

(2021/C 23/29)

The European Parliament,

- having regard to the letter of 7 March 2019 from the Chair of the Committee on Constitutional Affairs,
- having regard to Rule 226 of its Rules of Procedure,

1. Decides to append the following interpretation to Rule 171(1), first subparagraph, point (b), of the Rules of Procedure: 'If the proposal for a legally binding act, as amended or otherwise, does not secure a majority of the votes cast in committee, then the committee shall propose to Parliament that the act be rejected.'
 2. Instructs its President to forward this decision to the Council and the Commission, for information.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2019)0138

Extending Rule 159 of Parliament's Rules of Procedure until the end of the ninth parliamentary term**European Parliament decision of 12 March 2019 extending Rule 159 of Parliament's Rules of Procedure until the end of the ninth parliamentary term (2019/2545(RSO))**

(2021/C 23/30)

The European Parliament,

- having regard to Article 342 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community ⁽¹⁾,
 - having regard to Council Regulations (EC) No 920/2005 ⁽²⁾ and (EU, Euratom) 2015/2264 ⁽³⁾,
 - having regard to the Code of Conduct on Multilingualism adopted by the Bureau on 16 June 2014,
 - having regard to its decision of 26 February 2014 ⁽⁴⁾ extending the applicability of Rule 159 of Parliament's Rules of Procedure until the end of the eighth parliamentary term and the subsequent decisions of the Bureau extending the derogation from Rule 158 until the end of this term,
 - having regard to Rules 158 and 159 of its Rules of Procedure,
- A. whereas, pursuant to Rule 158, all Parliament's documents are to be drawn up in the official languages, and all Members have the right to speak in Parliament in the official language of their choice, with interpretation being provided into the other official languages;
- B. whereas, under Rule 159, derogations from Rule 158 are permissible until the end of the eighth parliamentary term if and to the extent that, despite adequate precautions having been taken, the linguists required for an official language are not available in sufficient numbers; whereas, with respect to each official language for which a derogation is considered necessary, the Bureau, on a proposal from the Secretary-General and having due regard to the temporary special arrangements adopted by the Council on the basis of the Treaties concerning the drafting of legal acts, is required to ascertain whether the conditions are fulfilled and to review its decision every six months;

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

⁽²⁾ Council Regulation (EC) No 920/2005 of 13 June 2005 amending Regulation No 1 of 15 April 1958 determining the language to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the language to be used by the European Atomic Energy Community and introducing temporary derogation measures from those Regulations (OJ L 156, 18.6.2005, p. 3).

⁽³⁾ Council Regulation (EU, Euratom) 2015/2264 of 3 December 2015 extending and phasing out the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005 (OJ L 322, 8.12.2015, p. 1).

⁽⁴⁾ OJ C 285, 29.8.2017, p. 164.

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- C. whereas Council Regulations (EC) No 920/2005 and (EU, Euratom) 2015/2264 provide for a gradual restriction of the derogation in respect of Irish and, in the absence of another Council Regulation stating otherwise, the lapse of that derogation as from 1 January 2022;
 - D. whereas, despite all adequate precautions, capacity in Croatian, Irish and Maltese is not expected to be such as to allow a full interpretation service in those languages from the beginning of the ninth parliamentary term;
 - E. whereas, despite sustained and continuous interinstitutional efforts and considerable progress, the number of qualified translators is still expected to be so limited as regards Irish that, for the foreseeable future, full coverage of that language under Rule 158 cannot be assured; whereas, pursuant to Council Regulations (EC) No 920/2005 and (EU, Euratom) 2015/2264, a growing number of legal acts has to be translated into Irish, which reduces the possibility to translate other parliamentary documents into that language;
 - F. whereas Rule 159(4) provides that, on the basis of a reasoned recommendation from the Bureau, Parliament may decide, at the end of the parliamentary term, to extend that Rule;
 - G. whereas, in the light of the foregoing, the Bureau has recommended that Rule 159 be extended until the end of the ninth parliamentary term;
 - 1. Decides to extend Rule 159 of Parliament's Rules of Procedure until the end of the ninth parliamentary term;
 - 2. Instructs its President to forward this decision to the Council and the Commission for information.
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Tuesday 12 March 2019

P8_TA(2019)0139

Electronic freight transport information *I****European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council on electronic freight transport information (COM(2018)0279 — C8-0191/2018 — 2018/0140(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/31)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0279),
 - having regard to Article 294(2) and Articles 91, 100(2) and 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0191/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - after consulting the European Committee of the Regions,
 - having regard to Rules 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0060/2019),
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(2018)0140**Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council on electronic freight transport information****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, Article 100(2) and Article 192(1) thereof,

⁽¹⁾ OJ C 62, 15.2.2019, p. 265.

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Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The efficiency of freight transport and logistics is vital for the **growth and** competitiveness of the Union economy, the functioning of the internal market and the social and economic cohesion of all regions of the Union. [Am. 1]
- (1a) **The purpose of this Regulation is to reduce the costs of processing transport information between authorities and economic operators, to improve the enforcement capabilities of the authorities and to encourage the digitalisation of the freight transport and logistics.** [Am. 2]
- (2) The movement of goods is accompanied by a large amount of information which is still exchanged in paper format, among businesses and between businesses and the public authorities. The use of paper documents represents a significant administrative burden **and an additional cost** for logistic operators **and related industries (such as trade and manufacturing), in particular for SMEs, and has a negative impact on the environment.** [Am. 3]
- (2a) **Effective and efficient enforcement of the rules is a prerequisite for fair competition in the internal market. Further digitalisation of enforcement tools is essential in order to free up enforcement capacity, reduce unnecessary administrative burdens on international transport operators and in particular SMEs, better target high-risk transport operators and detect fraudulent practices. This digital, 'smart' enforcement necessitates all relevant information to become paperless and be available for competent authorities in electronic form. Therefore, the use of electronic transport documents should in the future become the rule. Furthermore, in order to provide enforcement officials, including those performing roadside checks, with a clear and complete overview of the transport operators being checked, they should have direct and real-time access to all relevant information, so as to be able to detect infringements and abnormalities quicker and more efficiently.** [Am. 4]
- (3) The absence of a uniform legal framework at Union level requiring public authorities to accept relevant freight transport information, required by legislation, in electronic form, is considered to be the main reason for the lack of progress towards the simplification and greater efficiency made possible by available electronic means. The lack of acceptance by public authorities of information in electronic form affects not only ease of communication between them and operators but, indirectly, also hampers the development of simplified business-to-business electronic communication across the Union **and will lead to an increase in administrative costs, especially for SMEs.** [Am. 5]

⁽¹⁾ OJ C 62, 15.2.2019, p. 265.

⁽²⁾ Position of the European Parliament of 12 March 2019.

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- (4) Some areas of Union transport law require competent authorities to accept digitised information, but this concerns by far not all relevant Union legislation. **To reduce administrative burdens and to make controls and countering infringements more efficient**, it should **always** be possible to use electronic means to make regulatory information on freight transport available to the authorities throughout the territory of the Union and in respect of all relevant phases of transport operations conducted within the Union. Furthermore, that possibility should apply to all regulatory information, in all transport modes. **Member States should accept electronic transport documents in general, and ratify and apply the e-CMR protocol without delay. Therefore, authorities should communicate electronically with the economic operators concerned as regards regulatory information and make their own data digitally available, in line with applicable law.** [Am. 6]
- (5) Member States' authorities should therefore be required to accept information made available electronically whenever economic operators are obliged to make information available as proof of compliance with requirements laid down in Union acts adopted in accordance Title VI of Part Three of the Treaty or, given the similarity of the situations, with Union legislation on the shipments of waste. The same should apply where a Member State's national legislation dealing with matters governed by Title VI of Part Three of the Treaty requires the provision of regulatory information identical, in whole or in part, to information to be provided under such Union legislation.
- (5a) **In order to reduce administrative burden and to free up scarce enforcement capacity, economic operators should be required to provide electronically regulatory information to Member States' competent authorities and Member States' competent authorities should communicate electronically with the economic operators concerned as regards the provision of regulatory information.** [Am. 7]
- (6) Since this Regulation is only intended to facilitate **and encourage** the provision of information **between economic operators and administrative bodies**, specifically, by electronic means, it should not affect the provisions of Union or national law determining the content of regulatory information and, in particular, should not impose any additional regulatory information requirements. ~~While~~ **Since** this Regulation is intended to allow compliance with regulatory information requirements through electronic means rather by means of paper documents, **it should enable the development of European Platforms in order to exchange and easily share the information.** It should not otherwise affect the relevant Union provisions on requirements regarding the documents to be used for the structured presentation of the information in question. The provisions of Union legislation on shipments of waste containing procedural requirements for the shipments as should equally remain unaffected by this Regulation. This Regulation should also be without prejudice to the provisions on reporting obligations set out in Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ or in implementing or delegated acts adopted under its terms. **However, the Commission should assess if the provisions regarding the content of regulatory information requirements regarding the transport of goods on the territory of the Union need to be adapted in order to improve the enforcement capabilities of the competent authorities.** [Am. 8]
- (7) The use of electronic means for the exchange of information in accordance with this Regulation should be organised in a way that ensures security and respects the confidentiality of sensitive commercial information.
- (8) In order to enable operators to provide relevant information in electronic form in the same way in all Member States, it is necessary to rely on common specifications, to be adopted by the Commission. Those specifications should ensure data interoperability for the various data sets and subsets concerning the relevant regulatory information, and determine common procedures and detailed rules for access and processing of that information by the competent authorities.

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

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- (9) In defining those specifications, due account should be taken of relevant data exchange specifications laid down in relevant Union law, and in relevant European and international standards for multimodal data exchange, **including the GDPR provisions. Investments made by economic operators and therefore already existing mode specific data models should also be taken into account**, as well as the principles and recommendations set out in the European Interoperability Framework⁽¹⁾, which provides an approach to the delivery of European digital public services commonly agreed by the Member States. **Furthermore, the proper engagement of all relevant stakeholders is important in the development and preparation of those specifications.** Due care should also be taken that these specifications remain technology neutral and open to innovative technologies. [Am. 9]
- (10) This Regulation should establish the functional requirements applicable to information and communication technology based platforms which could be used by economic operators to make available the regulatory freight transport information in electronic format (eFTI) to the competent authorities (eFTI platforms). Conditions should also be established for third party eFTI platform services providers (eFTI services providers).
- (11) To build the confidence of both the Member States authorities and the economic operators as regards the compliance of the eFTI platforms and eFTI services providers with those requirements, the Member States competent authorities should put in place a certification system underpinned by accreditation in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council⁽²⁾. **Due to the relatively long implementation period the Commission should assess if technologies like the blockchain technology could guarantee a similar result as the certification system while substantially bringing down costs for economic operators and Member States.** [Am. 10]
- ~~(12) In order to ensure uniform conditions for the implementation of the obligation to accept the regulatory information made available in electronic format pursuant to this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁾. [Am. 11]~~
- ~~(13) In particular, implementing powers should be conferred on the Commission to establish a common data set and subsets in relation to the respective regulatory information requirements covered by this Regulation, as well as common procedures and detailed rules for competent authorities for the access to and processing of that information where the economic operators concerned make this information available electronically, including detailed rules and technical specifications. [Am. 12]~~
- ~~(14) Implementing powers should also be conferred on the Commission to establish detailed rules for the implementation of the requirements for eFTI platforms and for eFTI services providers. [Am. 13]~~
- (15) In order to ensure the proper application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission:
- to amend Part B of Annex I, in order to incorporate the lists of regulatory information requirements in Member States' legislation notified to the Commission by the Member States in accordance with this Regulation;
 - to amend Part A of Annex I to take into account any delegated or implementing acts adopted by the Commission which establish new Union regulatory information requirements in relation to the transport of goods;

(1) European Interoperability Framework — Implementation Strategy, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2017)0134).

(2) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

(3) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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- to amend Part B of Annex I to incorporate any new provision of relevant national legislation which introduces changes to the national regulatory information requirements, or lays down new relevant regulatory information requirements falling under the scope of this Regulation notified to the Commission by the Member States in accordance with this Regulation;
 - to supplement certain technical aspects of this Regulation, namely as regards the rules for certification of eFTI platforms and eFTI services providers;
 - **to establish common procedures, technical specifications and detailed rules for competent authorities for the access to and processing of the respective information requirements covered by this Regulation, as well as detailed rules for the implementation of the requirements for eFTI platforms and for eFTI services providers.** [Am. 14]
- (16) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽¹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (17) Since the objectives of this Regulation, namely to ensure a uniform approach to acceptance by Member State authorities of freight transport information made available electronically, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (18) Processing by electronic means of personal data required as part of freight transport regulatory information should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁽²⁾.
- (19) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform this evaluation, and to assess the performance of the legislation against the objectives it pursues.
- (20) This Regulation cannot be effectively applied before the delegated and implementing acts provided for in it have entered into force. This Regulation should therefore apply with effect from ... [please insert the date], in order to give the Commission time to adopt those acts.
- (20a) The Commission should start immediately to work on the necessary delegated acts in order to avoid further delays and to ensure that economic operators and Member States have enough time to prepare.** [Am. 15]
- (21) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽³⁾ and delivered an opinion on ... [please insert the date]⁽⁴⁾,

HAVE ADOPTED THIS REGULATION:

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ OJ C ...

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Chapter I
General provisions

Article 1
Subject matter and scope

1. This Regulation establishes a legal framework for the electronic communication of regulatory information related to the transport of goods on the territory of the Union, **including its interoperability**. For that purpose, this Regulation: **[Am. 16]**

(a) lays down the conditions under which Member States' competent authorities are required to accept regulatory information ~~when made available~~ **provided** electronically by economic operators concerned; **[Am. 17]**

(aa) lays down the conditions under which the economic operators concerned are required to make regulatory information electronically available to the Member States' competent authorities; [Am. 18]

(ab) lays down the conditions under which Member States' competent authorities have to communicate electronically with the economic operators concerned as regards the provision of regulatory information; [Am. 19]

(b) lays down rules for the provision of services related to making regulatory information available electronically by the economic operators concerned.

2. This Regulation applies to regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty, or laying down the conditions for the shipments of waste **and regulatory information requirements for the transport of goods set out in international conventions applicable in the Union**. In respect of the shipment of waste, this Regulation does not apply to controls by customs offices, as provided for in the applicable Union ~~provisions~~ **provisions**. The Union acts to which this Regulation applies and the corresponding regulatory information requirements are listed in part A of Annex I. **[Am. 20]**

This Regulation also applies to regulatory information requirements set out in Member States' law dealing with matters governed by Title VI of Part Three of the Treaty and requiring the provision of information identical, in whole or in part, to the information to be provided pursuant to regulatory information requirements referred to in the first subparagraph.

The national legislation and the corresponding regulatory information requirements referred to in the second subparagraph shall be listed in part B of Annex I, in accordance with the procedure set out in Article 2(b).

3. By ... [one year from the date of entry into force of this Regulation] at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding regulatory information requirements referred to in the second subparagraph of paragraph 2, to be included in part B of Annex I. The Member States shall also notify the Commission of any new provision of national legislation subsequently adopted, covered by the second subparagraph of paragraph 2, and which introduces changes to those regulatory information requirements or lays down new relevant regulatory information requirements, within a month from the adoption of such provision.

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Article 2

Adaptation of Annex I

The Commission is empowered to adopt delegated acts in accordance with Article 13, concerning the amendment of Annex I in order to:

- (a) include a reference to any delegated or implementing acts adopted by the Commission, which establish new regulatory information requirements in relation to Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty;
- (b) incorporate references to national legislation and regulatory information requirements notified by Member States in accordance with Article 1(3);
- (ba) incorporate references to other Union legal acts governing the transport of goods, which establish regulatory information requirements; [Am. 21]**
- (bb) incorporate references to international conventions applicable in the Union establishing regulatory information requirements directly or indirectly related to the transport of goods. [Am. 22]**

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'regulatory information' means information, whether or not presented as a document, related to transport of cargo in the territory of the Union, including by way of transit, which is to be made available by an economic operator concerned in accordance with the provisions referred to in Article 1(2) in order to prove compliance with the relevant requirements of the acts concerned;
- (2) 'regulatory information requirement' means a requirement to provide regulatory information;
- (3) 'electronic freight transport information' (eFTI) means any set of data elements processed on electronic support for purposes of exchanging regulatory information between the economic operators concerned and with the competent public authorities;
- (4) 'processing' means any operation or set of operations performed on eFTI, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- (5) 'eFTI platform' means any information and communication technology (ICT) based solution, such as an operating system, an operating environment, or a database, intended to be used for the processing of eFTI;
- (6) 'eFTI platform developer' means any natural or legal person which has developed or acquired an eFTI platform either for purposes of processing of regulatory information related to its own economic activity, or for putting that platform on the market;
- (7) 'eFTI service' means a service consisting of eFTI processing by means of an eFTI platform, alone or in combination with other ICT solutions, including other eFTI platforms;

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- (8) 'eFTI service provider' means any natural or legal person which provides an eFTI service to economic operators concerned on the basis of a contract;
- (9) 'economic operator concerned' means any transport or logistic operator, or any other natural or legal person, who is responsible for making regulatory information available to the competent authorities in accordance with the relevant regulatory information requirement;
- (10) 'human-readable format' means a way of representation of the data in electronic form that can be used as information by a natural person without requiring any further processing;
- (11) 'machine-readable format' means a way of representation of the data in electronic form that can be used for automatic processing by a machine;
- (12) 'conformity assessment body' means a conformity assessment body within the meaning of point 13 of Article 2 of Regulation (EC) No 765/2008, which is accredited in accordance with that Regulation to carry out conformity assessment of an eFTI platform or an eFTI service provider.

Chapter II

Regulatory information made available electronically

Article 4

Requirements for ~~the economic operators~~ **operators** concerned [Am. 23]

1. ~~Where~~ Economic operators concerned **shall** make regulatory information available electronically. They shall do so on the basis of data processed in a certified eFTI platform, **in accordance with Article 8**, and, if applicable, by a certified eFTI service provider, **in accordance with Article 9**. The regulatory information shall be made available in machine-readable format and, at the request of the competent authority, in human-readable format. [Am. 24]

Information in machine-readable format shall be made available via an authenticated, **interoperable** and secure connection to the data source of an eFTI platform. Economic operators concerned shall communicate the Internet address via which the information can be accessed, together with any other elements that are necessary to allow the competent authority to uniquely identify the regulatory information. [Am. 25]

Information in human-readable format shall be made available on the spot, on the screen of electronic devices owned by the economic operator concerned or by the competent authorities.

2. The Member States shall take measures to enable their competent authorities to process regulatory information made available by the economic operators concerned in machine-readable format pursuant to the second subparagraph of paragraph 1, in accordance with the provisions established by the Commission pursuant to Article 7.

Article 5

Acceptance **and provision of regulatory information** by competent authorities [Am. 26]

Member States' competent authorities shall accept regulatory information made available electronically by the economic operators concerned in accordance with Article 4.

Member States' competent authorities shall communicate with the economic operators concerned concerning regulatory information electronically. [Am. 27]

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Article 6

Confidential commercial information

The competent authorities, eFTI services providers and economic operators concerned shall take measures to ensure confidentiality of commercial information processed and exchanged in accordance with this Regulation.

Article 7

Common eFTI data set, procedures and rules for access

The Commission ~~shall~~ **is empowered to adopt delegated acts in accordance with Article 13, in order to** establish the following ~~by means of implementing acts~~: [Am. 28]

- (a) a common eFTI data set and subsets in relation to the respective regulatory information requirements, including corresponding definitions for each data element included in the common data set and subsets;
- (b) common procedures and detailed rules, including common technical specifications, for competent authorities' access to eFTI platforms, including procedures for processing of regulatory information made available electronically by the economic operators concerned;
- (ba) common procedures and detailed rules for validating the identity of any natural person or legal entity issuing legally binding statements hereunder.** [Am. 29]

Existing, standardised data models and data sets identified in international conventions that are applicable in the Union shall be used as a reference for defining these common eFTI data, procedures and rules for access. [Am. 30]

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).~~ [Am. 31]

Chapter III

eFTI platforms and services

Section 1

Requirements for eFTI platforms and services

Article 8

Functional requirements for eFTI platforms

1. **The eFTI platforms shall be governed by the general principles of technological neutrality as well as interoperability.** The eFTI platforms used for processing regulatory information shall provide functionalities that ensure that: [Am. 32]

- (a) personal data ~~can~~ **have to** be processed in accordance with Regulation (EU) 2016/679; [Am. 33]
- (b) commercial data ~~can~~ **have to** be processed in accordance with Article 6; [Am. 34]
- (ba) eFTI platforms and the data contained therein are interoperable;** [Am. 35]
- (c) a unique electronic identifying link can be established between the data processed and the physical shipment of a determined set of goods to which that data is related, from origin to destination, under the terms of a single transport contract, ~~irrespective of the quantity or number of containers, packages, or pieces~~ **or consignment note;** [Am. 36]

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- (d) data can be processed solely on the basis of authorised and authenticated access;
- (e) all processing operations are duly recorded in order to allow, at a minimum, the identification of each distinct operation, the natural or legal person having made the operation and the sequencing of the operations on each individual data element; if an operation involves modifying or erasing an existing data element, the original data element shall be preserved;
- (ea) **competent authorities have immediate access to all relevant information, as provided for in national or Union legislation, in order to ensure public order and compliance with Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty; [Am. 37]**
- (f) data can be archived and remain accessible for an appropriate period of time, in accordance with the relevant regulatory information requirements;
- (g) data is protected against corruption and theft;
- (h) the data elements processed correspond to the common eFTI data set and subsets, and can be processed in any of the official languages of the Union **or co-official in a Member State. [Am. 38]**

1a. There shall be a standardised eFTI format which includes all regulatory information requirements listed in part A of Annex 1 and all regulatory information requirements listed in part B of Annex 1 under a designated and distinct section of the eFTI format listed by Member States. [Am. 39]

2. The Commission ~~shall~~ **is empowered to** adopt, ~~by means of implementing acts,~~ **delegated acts in accordance with Article 13, in order to establish** detailed rules regarding the requirements laid down in paragraph 1. ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). [Am. 40]~~

Article 9

Requirements for eFTI service providers

1. eFTI service providers shall ensure that:
 - (a) data is processed only by authorised users and according to clearly defined user role and processing rights within the eFTI platform, in accordance with the relevant regulatory information requirements;
 - (aa) **data is interoperable; [Am. 41]**
 - (b) data is stored and accessible for ~~an appropriate period of time~~ **four years**, in accordance with the relevant regulatory information requirements; **[Am. 42]**
 - (c) **competent** authorities have immediate access to regulatory information concerning a freight transport operation processed by means of their eFTI platforms, when this access is given to the **competent** authorities by an economic operator concerned; **[Am. 43]**
 - (d) data is appropriately secured, including against unauthorised or unlawful processing and against accidental loss, destruction or damage.

2. The Commission ~~shall~~ **is empowered to** adopt, ~~by means of implementing acts,~~ **delegated acts in accordance with Article 13, in order to establish** detailed rules regarding the requirements laid down in paragraph 1. ~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). [Am. 44]~~

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Section 3
Certification

Article 10
Conformity assessment bodies

1. Conformity assessment bodies shall be accredited according to Regulation (EC) No 765/2008 for the purposes of performing the certification of eFTI platforms and service providers as set out in Articles 11 and 12 of this Regulation.
2. For the purposes of accreditation, a conformity assessment body shall meet the requirements laid down in Annex II.
3. Member States shall maintain an updated list of the accredited conformity assessment bodies, and of the eFTI platforms and eFTI service providers certified by those bodies in accordance with Articles 11 and 12. They shall make that list publicly available on an official government Internet website. The list shall be ~~regularly~~ updated **without delay each time a change to the information that it contains occurs**, and at the latest by 31 ~~March~~ **May** each year. [Am. 45]
4. By 31 ~~March~~ **May** each year, Member States shall submit the lists referred to in paragraph 3 to the Commission, together with the address of the website where those lists have been published. The Commission shall publish a link to those website addresses on its official webpage. [Am. 46]

Article 11
Certification of eFTI platforms

1. Upon request of an eFTI platform developer conformity assessment bodies shall assess the compliance of the eFTI platform with the requirements laid down in Article 8(1). If the assessment is positive, a compliance certificate shall be issued. If the assessment is negative, the compliance assessment body shall inform the applicant why the platform does not comply with those requirements.
 - 1a. **Certification shall be performed in an independent manner to avoid distortions of competition. Compliance shall be ensured with existing, standardised platforms identified in international conventions that are applicable in the Union.** [Am. 47]
 - 1b. **Existing IT systems, that are currently used by economic operators in the transport sector to provide regulatory information and that meet the functional requirements laid down in Article 8(1), shall be certified as eFTI-platforms.** [Am. 48]
2. Conformity assessment bodies shall maintain an up to date list of certified eFTI platforms and of those that received a negative assessment. The updated list shall be transmitted to the competent authorities concerned each time a certificate or a negative assessment is issued.
3. Information made available to competent authorities by means of a certified eFTI platform shall be accompanied by a certification mark.
4. The eFTI platform developer shall apply for a reassessment of its certification if the technical specifications adopted in the implementing acts referred to in Article 7(2) are revised.
5. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation with rules on certification, use of the certification mark and renewal of the certification of eFTI platforms.

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Article 12

Certification of eFTI service providers

1. Upon request of an eFTI service provider, a conformity assessment body shall assess the compliance of the eFTI service provider with the requirements laid down in Article 9(1). If the assessment is positive, a compliance certificate shall be issued. If the assessment is negative, the compliance assessment body shall inform the applicant why the provider does not comply with those requirements.
2. Conformity assessment bodies shall maintain an up to date list of the certified eFTI service providers and of those that received a negative assessment. The updated list shall be made available to the competent authorities concerned each time a certificate or a negative assessment is issued.
3. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation with rules on certification of eFTI service providers.

Chapter IV

Delegations of power and implementing provisions

Article 13

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
 2. The power to adopt delegated acts referred to in Article 2, **Article 7, Article 8(2), Article 9(2)**, Article 11(5) and Article 12(3) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation]. [**Am. 49**]
 3. The delegation of power referred to in Article 2, **Article 7, Article 8(2), Article 9(2)**, Article 11(5), Article 12(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. [**Am. 50**]
 4. ~~Before adopting a Delegated act, the Commission shall consult experts designated by each Member State~~ **acts adopted** in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016 **Article 2 shall apply from one year after their entry into force.** [**Am. 51**]
- 4a. Before adopting a delegated act, the Commission shall ensure the consultation of the stakeholders concerned and their representative bodies in the appropriate fora, namely via the group of experts established by Commission Decision C(2018)5921 of 13.09.2018 ('Digital Transport and Logistics Forum').** [**Am. 52**]
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
 6. A delegated act adopted pursuant to Article 2, Article 10(5) and Article 11(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

~~Article 14~~

~~Committee procedure~~

1. ~~The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.~~
2. ~~Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.~~ [**Am. 53**]

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Chapter V

Final provisions

Article 15

Review

1. By ... [~~five~~ **three** years from the date of application of this Regulation] at the latest the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. **This evaluation shall in particular examine the possibility of extending the scope of this Regulation to certain business-to-business information that is necessary to prove compliance with the relevant requirements in the Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty.** [Am. 54]

2. Member States shall provide the Commission with the information necessary for the preparation of that Report.

Article 16

Monitoring

The Member States shall provide the following information to the Commission every two years and for the first time by ... [two years from the date of application of this Regulation] at the latest:

1. the number of competent authorities which have implemented measures to access and process information made available by economic operators concerned in accordance with Article 4(2);
2. the number of economic operators concerned which have made regulatory information available to the Member State's competent authorities in accordance with Article 4(1), broken down by transport mode.

The information shall be provided for each year covered by the reporting period.

Article 17

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... [**three** years from the entry into force **of this Regulation**]. [Am. 55]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...

For the European Parliament

The President

For the Council

The President

REGULATORY INFORMATION FALLING UNDER THE SCOPE OF THIS REGULATION

Regulatory information requirements laid down in Union law

The table below includes the regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty as well as the conditions for the shipments of waste:

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38– 42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN (1)	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
Name and address of the consignor	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)						
Nature and weight of the goods	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)						
Place and date of acceptance of the goods for transport	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)						
Place at which the goods are to be delivered	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)						

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
Route to be taken, or distance to be travelled, if these factors justify a rate different from that normally applicable	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11)						
Frontier crossing points, where appropriate	Article 6.1	Article 3 (reference to Article 6 of Council Regulation No 11 of 27 June 1960)						
Rail loading and unloading stations		Article 3						
Inland waterway loading and unloading ports		Article 3						
Maritime loading and unloading ports		Article 3						
Stamp affixed by the rail or port authorities in the railway stations or inland waterway or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed		Article 3						

<p>EU Legislation Information item</p>	<p>Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126</p>	<p>Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42</p>	<p>[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]</p>	<p>Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87</p>	<p>[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]</p>	<p>Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142</p>	<p>Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾</p>	<p>Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98</p>
<p>[Name, address, contact details and signature of the shipper]</p>			<p>[Article 3.2(a) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[Place and date where combined transport operations begins in the Union]</p>			<p>[Article 3.2(b) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[Name, address and contact details of the consignee]</p>			<p>[Article 3.2(c) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[Place and date where combined transport operations ends in the Union]</p>			<p>[Article 3.2(d) (replacing article 3 Council Directive 92/106/EEC)]</p>					

<p>EU Legislation Information item</p>	<p>Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126</p>	<p>Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42</p>	<p>[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]</p>	<p>Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87</p>	<p>[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]</p>	<p>Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142</p>	<p>Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾</p>	<p>Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98</p>
<p>[Distance as the crow flies between the place where the combined transport operation begins and the place where the combined transport operations ends in the Union]</p>			<p>[Article 3.2(e) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[A description, signed by the shipper, of the combined transport operation routing including at least the following details for each leg, including for each mode of transport which constitutes the non-road leg, of the operation within the Union:</p> <p>(i) leg order (i.e. first leg, non-road leg or final leg);</p> <p>(ii) name, address and contact details of the carrier;</p> <p>(iii) mode of transport and its order in the operation.]</p>			<p>[Article 3.2(f) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[Identification of the intermodal load unit transported]</p>			<p>[Article 3.2(g) (replacing article 3 Council Directive 92/106/EEC)]</p>					

<p>EU Legislation Information item</p>	<p>Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126</p>	<p>Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42</p>	<p>[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]</p>	<p>Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87</p>	<p>[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]</p>	<p>Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142</p>	<p>Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾</p>	<p>Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98</p>
<p>[For the initial road transport leg:</p> <p>(i) the place of transshipment to the non-road leg;</p> <p>(ii) the distance of the initial road transport leg as the crow flies between the place of shipment and the first transshipment terminal;</p> <p>(iii) if the initial road leg is completed, a signature of the carrier confirming that the transport operation of the road leg has been carried out]</p>			<p>[Article 3.2(h) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>[For the final road transport leg:</p> <p>(i) the place where the goods are taken [over] from the non-road leg (rail, inland waterways or maritime transport);</p> <p>(ii) the distance of the final road transport leg as the crow flies between the place of transshipment and the place where the combined transport operation ends in the Union);]</p>			<p>[Article 3.2(i) (replacing article 3 Council Directive 92/106/EEC)]</p>					

<p>EU Legislation Information item</p>	<p>Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126</p>	<p>Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42</p>	<p>[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]</p>	<p>Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87</p>	<p>[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]</p>	<p>Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142</p>	<p>Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾</p>	<p>Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98</p>
<p>[For the non-road leg:</p> <p>(i) if the non-road leg is completed, a signature of the carrier (or carriers in the case of two or more non-road operations on the non-road leg) confirming that the transport operation on the non-road leg has been carried out;</p> <p>(ii) when available, a signature or seal of the relevant rail or port authorities in the relevant terminals (railway station or port) concerned along the non-road leg operation confirming that the relevant part of the non-road leg has been completed.]</p>			<p>[Article 3.2(j) (replacing article 3 Council Directive 92/106/EEC)]</p>					
<p>Name, address and signature of the sender</p>				<p>Article 8.3(a)</p>	<p>[Article 8.3(a) (no changes proposed)]</p>			
<p>Name, address and signature of the haulier</p>				<p>Article 8.3(b)</p>	<p>[Article 8.3(b) (no changes proposed)]</p>			
<p>The name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered</p>				<p>Article 8.3(c)</p>	<p>[Article 8.3(c) (no changes proposed)]</p>			

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
The place and date of taking over the goods and the place designated for delivery				Article 8.3(d)	[Article 8.3(d) (no changes proposed)]			
The description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description, as well as the number of packages and their special marks and numbers				Article 8.3(e)	[Article 8.3(e) (no changes proposed)]			
The gross mass of the goods or their quantity otherwise expressed				Article 8.3(f)	[Article 8.3(f) (no changes proposed)]			
The number plates of the motor vehicle and trailer				Article 8.3(g)	[Article 8.3(g) (no changes proposed)]			
Unique alphanumeric identifier of the regulated agent as received from the appropriate authority						Annex 6.3.2.6(a)		

<p>EU Legislation Information item</p>	<p>Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126</p>	<p>Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38–42</p>	<p>[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]</p>	<p>Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87</p>	<p>[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]</p>	<p>Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142</p>	<p>Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾</p>	<p>Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98</p>
<p>A unique identifier of the consignment, such as the number of the (house or master) air waybill</p>						<p>Annex 6.3.2.6(b)</p>		
<p>The content of the consignment ^(**)</p>						<p>Annex 6.3.2.6(c)</p>		
<p>The security status of the consignment, stating:</p> <ul style="list-style-type: none"> — ‘SPX’, meaning secure for passenger, all-cargo and all-mail aircraft, or — ‘SCO’, meaning secure for all-cargo and all-mail aircraft only, or — ‘SHR’, meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements 						<p>Annex 6.3.2.6(d)</p>		

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38– 42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
<p>The reason that the security status was issued, stating:</p> <ul style="list-style-type: none"> — ‘KC’, meaning received from known consignor, or — ‘AC’, meaning received from account consignor, or — ‘RA’, meaning selected by a regulated agent, or — The means or method of screening used, or — The grounds for exempting the consignment from screening 						Annex 6.3.2.6(e)		
The name of the person who issued the security status, or an equivalent identification, and the date and time of issue						Annex 6.3.2.6(f)		
The unique identifier received from the appropriate authority, of any regulated agent who has accepted the security status given to a consignment by another regulated agent						Annex 6.3.2.6(g)		

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38– 42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN (1)	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
General information required in the transport document							5.4.1.1.1	
General information required for carriage in tank vessels							5.4.1.1.2 — ADN only	
Specific information required to be included for certain types of dangerous goods, or certain means of containment, or in case of a transport chain including different modes of transport, according to special provisions in Chapter 5.4 of the respective Annexes to ADR, RID and ADN							5.4.1.1.3 to 5.4.1.1.21 –ADR and RID 5.4.1.1.3 to 5.4.1.1.22 –ADN	
Additional and special information required for certain classes of dangerous goods							5.4.1.2	
Non Dangerous Goods							5.4.1.5	
Container packing certificate							5.4.2	

EU Legislation Information item	Council Regulation No. 11 concerning the abolition of discrimination in transport rates and conditions OJ L 052, 16.08.1960, p. 1121–1126	Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States OJ L 368, 17.12.1992, p. 38– 42	[Proposal COM(2017)0648 — 2017/0290 (COD) amending Directive 92/106/EEC]	Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market OJ L 300/72, 14.11.2009, p. 72-87	[Proposal COM(2017)0281 — 2017/0123 (COD) amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009]	Commission Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security OJ L 299/1, 14.11.2015, p. 1-142	Directive 2008/68/EC on the inland transport of dangerous goods OJ L 260, 30.9.2008, p. 13–59 References to ADR, RID, ADN ⁽¹⁾	Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98
Instructions in writing							5.4.3	
Information contained in the notification document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006								Annex IA
Information contained in the movement document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006								Annex IB
Information contained in the document accompanying the shipments of waste that are subject to the general information requirements of Article 18 of Regulation (EC) No 1013/2006								Annex VII

⁽¹⁾ References to ADR, RID and ADN must be understood within the meaning of Article 2(1), 2(2) and 2(3) of Directive 2008/68/EC. The numbers referred to are those of the respective Annexes to ADR, RID and ADN.

Member States' law

The table below lists the relevant Member States' national legislation dealing with matters governed by Title VI of Part Three of the Treaty and requiring the provision of information identical, in whole or in part, to the information specified in point A of this Annex.

[Member State]

Legislation Information item	[Legislation reference]	[Legislation reference]	[...]	[Legislation reference]
[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]		[Article reference]
[...]	[...]	[...]	[...]	[...]
[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]	[...]	[Article reference]

[Member State]

Legislation Information item	[Legislation reference]	[Legislation reference]	[...]	[Legislation reference]
[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]		[Article reference]
[...]	[...]	[...]	[...]	[...]
[Information item as specified in the respective legal act article]	[Article reference]	[Article reference]	[...]	[Article reference]

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ANNEX II

REQUIREMENTS RELATING TO NOTIFIED BODIES

1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.
2. A conformity assessment body shall be established under national law of a Member State and have legal personality.
3. A conformity assessment body shall be a third-party body independent of the organisation or the eFTI platform or platform service provider it assesses.

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of eFTI platform or platform service provider which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the eFTI platform or platform service provider which they assess, nor the representative of any of those parties.

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that eFTI platform or platform service provider, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.
6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Articles 12 and 13 in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each certification procedure in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;
- (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure and the degree of complexity of the technology in question.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.

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7. The personnel responsible for carrying out conformity assessment tasks shall have the following:
 - (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;
 - (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;
 - (c) appropriate knowledge and understanding of the requirements set out in Article 9;
 - (d) the ability to draw up compliance certificates, records and reports demonstrating that assessments have been carried out.
 8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.
 9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.
 10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Articles 12 and 13 or any provision of national law giving effect to them, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.
 11. Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and relevant regulatory activities.
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P8_TA(2019)0140

EU-Vietnam Voluntary Partnership Agreement on forest law enforcement, governance and trade ***

European Parliament legislative resolution of 12 March 2019 on the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10861/2018 — C8-0445/2018 — 2018/0272(NLE))

(Consent)

(2021/C 23/32)

The European Parliament,

- having regard to the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10861/2018),
 - having regard to the draft Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10877/2018),
 - having regard to the request for consent submitted by the Council in accordance with first subparagraphs of Article 207 (3) and (4), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) and Article 218(7) thereof, of the Treaty on the Functioning of the European Union (C8-0445/2018),
 - having regard to its non-legislative resolution of 12 March 2019 ⁽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 International Trade and the opinion of the Committee on Development (A8-0083/2019),
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 Socialist Republic of Viet Nam.

⁽¹⁾ Texts adopted of that date, P8_TA(2019)0141.

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P8_TA(2019)0141

EU-Vietnam Voluntary Partnership Agreement on forest law enforcement, governance and trade (resolution)**European Parliament non-legislative resolution of 12 March 2019 on the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10861/2018 — C8-0445/2018 — 2018/0272M(NLE))**

(2021/C 23/33)

The European Parliament,

- having regard to the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10861/2018),
- having regard to the draft Voluntary Partnership Agreement of 9 October 2018 between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade (10877/2018),
- having regard to the request for consent submitted by the Council in accordance with the first subparagraphs of Articles 207(3) and 207(4), in conjunction with point (a)(v) of the second subparagraph of Article 218(6) and with Article 218(7) of the Treaty on the Functioning of the European Union (C8-0445/2018),
- having regard to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part⁽¹⁾,
- having regard to the draft Free Trade Agreement between the European Union and the Socialist Republic of Vietnam,
- having regard to the draft Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam of the other part,
- having regard to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community⁽²⁾ (FLEGT Regulation),
- having regard to the Commission's proposal for a Forest Law Enforcement, Governance and Trade Action Plan (COM(2003)0251),
- having regard to the Council conclusions of 28 June 2016 on forest law enforcement, governance and trade (10721/2016),
- having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market⁽³⁾ (EU Timber Regulation),
- having regard to the reports of the Environmental Investigation Agency of 31 May 2018 entitled 'Serial Offender: Vietnam's continued imports of illegal Cambodian timber'⁽⁴⁾ and of 25 September 2018 entitled 'Vietnam in Violation: Action required on fake CITES permits for rosewood trade'⁽⁵⁾,

⁽¹⁾ OJ L 329, 3.12.2016, p. 8.

⁽²⁾ OJ L 347, 30.12.2005, p. 1.

⁽³⁾ OJ L 295, 12.11.2010, p. 23.

⁽⁴⁾ <https://eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf>

⁽⁵⁾ <https://eia-international.org/report/vietnam-violation-action-required-fake-cites-permits-rosewood-trade/>

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- having regard to the 2015-2030 United Nations Sustainable Development Goals (SDGs),
 - having regard to the Paris Agreement reached on 12 December 2015 at the 21st Conference of Parties to the United Nations Framework Convention on Climate Change (COP21),
 - having regard to the 2011 Bonn Challenge, which is a global effort to bring 150 million hectares of the world's deforested and degraded land into restoration by 2020, and 350 million hectares by 2030,
 - having regard to the report of the United Nations Environment Programme (UNEP) of 2012 entitled 'Green carbon, black trade: illegal logging, tax fraud and laundering in the world's tropical forests' ⁽¹⁾,
 - having regard to the UN conventions to tackle crime and corruption, including the Convention against Transnational Organised Crime and the Convention against Corruption,
 - having regard to its legislative resolution of 12 March 2019 ⁽²⁾ on the draft Council decision,
 - having regard to Rule 99(2) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade and the opinion of the Committee on Development (A8-0093/2019),
- A. whereas Vietnam became the third country in Asia to enter into negotiations on a forest law enforcement, governance and trade (FLEGT) Voluntary Partnership Agreement (VPA) in 2010, after Indonesia and Malaysia; whereas negotiations were concluded in May 2017 and the agreement was signed on 19 October 2018;
- B. whereas the objective of the VPA is to provide a legal framework aimed at ensuring that all timber and timber product imports from Vietnam into the EU covered by the VPA have been produced legally; whereas VPAs are generally intended to foster systemic changes in the forestry sector aimed at sustainable management of forests, eradicating illegal logging and supporting worldwide efforts to stop deforestation and forest degradation;
- C. whereas Vietnam is a significant country in the context of the timber trade, home to the world's fourth-largest, export-oriented wood processing sector and aiming to become the largest; whereas, as a processing hub, Vietnam is a major exporter of timber products to the EU but also to countries in the region, notably China and Japan;
- D. whereas Vietnam is a major importer of timber and timber products, with its factories consuming some 34 million cubic meters of timber and timber products in 2017, of which 25 % was imported and 75 % was from domestic plantations, many owned and managed by smallholders; whereas imports grew in value by 68 % over the period 2011-2017; whereas in recent years, Vietnam has made considerable progress in reducing domestic deforestation and has increased its forested area from 37 % in 2005 to 41,65 % in 2018, including industrial plantations; whereas Vietnam has enforced a prohibition on the logging of domestic natural forests since 2016;
- E. whereas the biggest source countries for logs and sawn timber in 2017 were Cameroon, the US and Cambodia, alongside Democratic Republic of Congo (DRC) as a notable supplier; whereas, since 2015, Cambodia has been Vietnam's second-largest tropical timber supplier, in spite of a reported ban ⁽³⁾ on exports to Vietnam; whereas a 43 % increase in volume and 40 % increase in value of imports from African countries was reported between 2016 and 2017; whereas NGOs with relevant expertise have pointed out that timber exported from Cambodia and DRC should be

⁽¹⁾ Nellemann, C., INTERPOL Environmental Crime Programme (eds). 2012. Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the Worlds Tropical Forests. A Rapid Response Assessment. United Nations Environment Programme, GRIDArendal, http://wedocs.unep.org/bitstream/handle/20.500.11822/8030/Green%20carbon%20Black%20Trade_%20Illegal%20logging.pdf?sequence=5&isAllowed=y

⁽²⁾ Texts adopted, P8_TA(2019)0140.

⁽³⁾ <https://www.phnompenhpost.com/national/despite-ban-timber-exports-vietnam-nearing-2016-total>

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considered as 'high risk', while raw timber is often imported from countries characterised by weak governance, high levels of corruption or conflict, with widespread risk of illegality in timber harvesting;

- F. whereas Cambodia has the fifth-highest deforestation rate the world and whereas UN statistics show that Cambodia's forest cover fell from 73 % in 1990 to 57 % in 2010;
- G. whereas, based on Article 3 of Sub-decree No. 131 of 28 November 2006, Cambodia prohibits exports of round logs except from plantations, rough sawn timber except from plantations, and square and rectangular timber of a thickness and width greater than 25 cm ⁽¹⁾; whereas all exports of natural forest timber products from Cambodia are in principle deemed to be in breach of Cambodian law; whereas, under the VPA, Vietnam is committed to only importing timber that has been legally harvested in accordance with the national legislation of the source country;
- H. whereas under a VPA, a country commits to setting up a policy with a view to ensuring that only timber and timber products verified as legal will be exported to the EU ⁽²⁾; whereas Vietnam will have to adopt legislation putting in place the Timber Legality Assurance System (TLAS), and set up the necessary administrative structures and capacity in order to implement and enforce its VPA commitments; whereas this VPA will apply to timber and timber products intended for both domestic and export markets, save for the final step of FLEGT licensing, which is for the time being intended for exports to the EU only;
- I. whereas Vietnam has committed to adopting legislation ensuring only legally produced timber ⁽³⁾ is imported into its market, based on due diligence obligations for timber and timber product importers; whereas Vietnam has also committed to recognising the relevant laws of countries of harvest as part of the definition of legality under the VPA;
- J. whereas promoting this VPA in the region would play an important role in fostering economic integration and achieving international sustainable development goals; whereas the conclusion of new VPAs — in particular with China, which borders Vietnam and is a major player in the processed wood industry — would make it possible to provide guarantees as to the legality and viability of the trade in timber and timber products in the region;
- K. whereas only once Vietnam has proven full implementation of all VPA commitments ⁽⁴⁾ and has set up the capacity to enforce the related national legislation will it be able to accede to the EU FLEGT licencing scheme; whereas timber imported under a FLEGT licence is presumed to be legal under the EU Timber Regulation; whereas the accession of Vietnam to the FLEGT licencing scheme is approved by a delegated act;
- L. whereas the EU-Vietnam FTA will liberalise trade in timber and timber products at its entry into force and imports from Vietnam will be covered by the general due diligence obligations of the EU Timber Regulation until the start of FLEGT licencing ⁽⁵⁾;

⁽¹⁾ <https://eia-international.org/wp-content/uploads/eia-serial-offender-web.pdf>, p. 6.

⁽²⁾ The VPA covers all major products exported to the EU, particularly the five compulsory timber products as defined in the 2005 FLEGT Regulation (logs, sawn timber, railway sleepers, plywood and veneer) and also includes a number of other timber products such as wood chip particles, parquet flooring, particle board and wooden furniture. The VPA covers exports to all third countries though, at least initially, the licencing scheme only applies to EU exports.

⁽³⁾ According to point (j) of Article 2 of the VPA, "legally produced timber" (hereinafter also referred to as "legal timber") means timber products harvested or imported and produced in accordance with the legislation of Vietnam set out in Annex II and other relevant provisions of this Agreement; and, in the case of imported timber, it means timber products harvested, produced and exported in accordance with the relevant legislation of the country of harvest and the procedures described in Annex V.

⁽⁴⁾ The readiness of the TLAS system for FLEGT licencing will first be assessed jointly by the EU and Vietnam. Only if both parties agree that the system is robust enough will the licencing be able to start.

⁽⁵⁾ Article 13.8, paragraph 2(a): '[each Party shall] encourage the promotion of trade in forest products from sustainably managed forests and harvested in accordance with the domestic legislation in the country of harvest; this may include the conclusion of a Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreement'.

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1. Recalls that sustainable and inclusive forest management and governance is essential to achieve the objectives set in the 2030 Agenda for Sustainable Development and the Paris Agreement;
2. Calls for the EU to ensure the coherence of the VPA with all its policies, including in the fields of development, the environment, agriculture and trade;
3. Strongly supports the FLEGT process with Vietnam given the country's role in the timber processing sector; welcomes the signature of the VPA, an agreement designed to progressively bring complete policy reform in the country aimed at cleaning illegally produced timber from the supply chains of Vietnamese operators; welcomes Vietnam's commitment and the progress made so far and is aware that the full implementation of the VPA will be a long-term process entailing not only the adoption of a whole set of legislation (TLAS) but also ensuring that adequate administrative capacity and expertise for implementation and enforcement of the VPA is in place; recalls that FLEGT licencing can start only once Vietnam has demonstrated the readiness of its TLAS system; takes note of the challenges represented by the coordination between the national and provincial levels, which is necessary in order to adequately and consistently enforce the VPA throughout the country and calls on the Government of Vietnam to ensure such coordination;
4. Recalls that the implementation of the VPA must complement EU commitments to environmental protection and ensure coherence with commitments to prevent mass deforestation;
5. Calls on the Commission and the European External Action Service (EEAS) to allocate adequate human resources to the implementation of this VPA, including ensuring adequate resources to the EU Delegation in Hanoi, as well as financial resources to Vietnam in the framework of the present and future development cooperation instruments to be specifically earmarked for the implementation of the VPA; encourages the Commission and the EEAS to assist the Vietnamese authorities and civil society, including by making satellite images available to them; calls for the EU to direct its efforts towards the strengthening of Vietnam's legal framework and institutional capacity by addressing the technical and economic challenges that impede the effective implementation and enforcement of existing national and international regulations;
6. Acknowledges commitments made by Vietnam's wood industry to eliminate illegal timber from supply chains and raise awareness of these matters; stresses, however, that a shift in mindset within the industry, as well as robust enforcement, is key; recalls that the presence of illegal timber in supply chains risks inflicting reputational damage on the Vietnamese processing industry;
7. Is aware, however, that in the past Vietnam has been faced with a significant challenge in tackling illegal timber trade from Laos, and in recent years from Cambodia; considers that in such cases Vietnam and supplier countries are together responsible for fuelling this illegal trade, since Vietnamese authorities, notably at provincial level, have taken formal decisions that breach the legislation of the country of harvest, such as administering formal import quotas;
8. Welcomes Vietnam's commitment to adopt legislation to ensure that only legally produced timber is imported into its market, based on mandatory due diligence for importers, as one of the major achievements of the VPA; recalls that due diligence obligations should not be reduced to a mere box-ticking exercise, but that they should include all necessary steps — such as gathering information, assessing risks and taking additional measures to mitigate any risks identified with a view to reducing the risk level to 'negligible' — to be enforced by the competent national authorities through sound and systematic checks on individual companies; highlights the challenge of enforcing due diligence obligations through customs authorities, which will require adequate training; recalls that the Vietnamese authorities should adopt a due diligence system corresponding to the one detailed in the EU Timber Regulation and stresses the need to provide for independent third party submissions in the national due diligence legislation; encourages the Vietnamese authorities to consider third party auditing and public reporting by companies as requirements of their due diligence system, as well as to provide adequate support to companies in complying with their obligations and to avoid placing disproportionate burdens on household suppliers of timber, while avoiding the creation of loopholes;

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9. Calls on the Government of Vietnam to provide for adequate, dissuasive and proportionate penalties for infringement of legislation implementing TLAS, which would in the case of imports include a full prohibition of the placing on the Vietnamese market of illegal timber, alongside the seizure of such timber;

10. Welcomes the independent evaluation and complaints and feedback mechanism and calls on the Vietnamese authorities to ensure that these are responded to adequately, including through effective and dissuasive enforcement action when necessary; expects these mechanisms to operate in full transparency and to foster information sharing between civil society and enforcement authorities; welcomes the commitment by Vietnam to ensure independent monitoring of the VPA implementation by civil society organisations, forest associations, enterprises, trade unions, local communities and people living in forest areas; stresses the crucial importance of their involvement and access to relevant and up-to-date information in enabling them to fulfil their role in this process and to further contribute to the credibility of TLAS and its continuous strengthening; welcomes the commitment made by Vietnam to allow civil society access to the national database on forestry and encourages the government to submit TLAS implementing legislation to public consultation and take into account the feedback it receives;

11. Welcomes the involvement of civil society organisations during and following the VPA negotiations and urges the Government of Vietnam to ensure genuine and full inclusion during the whole implementation phase and beyond, covering the entire scope of the VPA, including import controls, due diligence obligations, the organisation classification system and risk-based verification of companies and FLEGT licences; stresses the importance of involving local communities both for socio-economic reasons and in order to ensure proper implementation of the new Forestry Law and the VPA commitments;

12. Strongly condemns the illegal timber trade taking place across the Cambodian border and calls on the authorities of both countries to put an immediate and complete stop to the illegal flows, as an absolute necessity for a successful continuation of the VPA process; urges the Vietnamese authorities to investigate, remove from function and bring to justice those responsible for having authorised and managed the illegal trade from Cambodia and elsewhere; welcomes the recent decision taken by the Vietnamese authorities only to allow timber trade through the main international gates, as well as to strengthen enforcement capabilities against illegal trade; urges the Vietnamese authorities to immediately categorise timber from Cambodia as 'high risk' and to make sure Cambodian legislation on the harvest and export of timber is respected, in line with VPA commitments; calls on the two countries to foster and improve dialogue, cross-border cooperation, exchange of trade data and information on risks related to illegal timber trade and the respective legislation in force, and encourages them to involve the EU in facilitating this dialogue; encourages Vietnam and Cambodia to request support from Interpol and work together on effective and long-term measures to combat rampant illegal logging and the cross border smuggling of timber to Vietnam; calls on the Vietnamese authorities to apply the same measures to imports from other supplier countries where similar concerns exist or may arise, notably those in Africa, such as DRC;

13. Stresses the need to address the regional dimension of illegal logging and the transport, processing and trade of illegal timber throughout the supply chain; calls for this regional dimension to be included in the VPA evaluation process in the form of an assessment of the link between the existence of weaker enforcement mechanisms in other countries of the region and the increase of exports from such countries to the EU;

14. Stresses that poor governance and corruption in the forestry sector accelerate illegal logging and forest degradation and emphasises the fact that the success of the FLEGT initiative also depends on tackling fraud and corruption throughout the timber supply chain; urges the Government of Vietnam to work to stop widespread corruption and address other factors fuelling this trade, in particular in relation to customs and other authorities that will play a pivotal role in the implementation and enforcement of the VPA, as a concrete signal that Vietnam is fully committed to the VPA process; stresses the need to end impunity in the forest sector by ensuring that infractions are prosecuted;

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15. Welcomes the recent adoption by the Vietnamese Government of an action plan for the implementation of the VPA and calls on the government to follow a concrete, time bound and measurable approach; welcomes the entry into force of the new Forestry Law on 1 January 2019, which includes a prohibition on imports of illegally produced timber into Vietnam and urges the Vietnamese authorities to enforce this prohibition and to swiftly adopt implementing measures if necessary, with a view to bridging the gap until TLAS becomes operational;
 16. Welcomes the inclusion of provisions on sustainable management of forests in the EU-Vietnam FTA, which also make a connection with the VPA; calls on the Commission to pay particular attention to trade in timber and timber products during the implementation of the FTA and to monitor trade flows closely in order to make sure that additional trade liberalisation does not entail additional risks of illegal trade;
 17. Asks the Commission to report to Parliament annually on progress made by Vietnam in implementing the VPA, including against the requirements of this resolution, as well as on the activities of the Joint Implementation Committee, with a view to enabling an informed decision once the delegated act authorising the acceptance of FLEGT licences is proposed; calls on the Commission to consider improving the regulation on FLEGT licencing at the next review exercise in order to enable it to respond quickly to cases of significant infringements of VPA commitments;
 18. Calls on the Commission to foster dialogue and promote the EU Timber Regulation with the major importing countries in the region and major EU trading partners such as China and Japan, and to further prioritise the need in bilateral relations with those countries, including in trade relations, for concrete solutions to stop illegal timber trade, with a view to creating a global level playing field on which to address the issue; supports the Commission in launching VPA negotiations with Vietnam's neighbouring countries as soon as the necessary conditions are fulfilled and underlines the importance of FLEGT VPAs in future development and cooperation instruments; invites the Commission to put in place instruments to facilitate best practice exchanges between Vietnam and other countries that have already concluded VPAs with the EU;
 19. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States, of the Socialist Republic of Vietnam and of the Kingdom of Cambodia.
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Tuesday 12 March 2019

P8_TA(2019)0142

Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ***

European Parliament legislative resolution of 12 March 2019 on the draft Council decision authorising Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (10923/2018 — C8-0440/2018 — 2018/0238(NLE))

(Consent)

(2021/C 23/34)

The European Parliament,

- having regard to the draft Council decision (10923/2018),
 - having regard to the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) (CETS No. 223),
 - having regard to the request for consent submitted by the Council in accordance with Article 16 and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0440/2018),
 - 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 Civil Liberties, Justice and Home Affairs (A8-0070/2019),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Council of Europe.

Tuesday 12 March 2019

P8_TA(2019)0143

**Authorising Member States to become party to the Council of Europe Convention on an Integrated safety, security, and service approach at football matches and other sports events

European Parliament legislative resolution of 12 March 2019 on the draft Council decision authorising Member States to become parties, in the interest of the European Union, to the Council of Europe Convention on an Integrated Safety, Security, and Service Approach at Football Matches and Other Sports Events (CETS No 218) (12527/2018 — C8-0436/2018 — 2018/0116(NLE))

(Consent)

(2021/C 23/35)

The European Parliament,

- having regard to the draft Council decision (12527/2018),
 - having regard to the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218),
 - having regard to the request for consent submitted by the Council in accordance with Article 87(1) and Article 218(6), second subparagraph, point (a)(v), and Article 218(8) of the Treaty on the Functioning of the European Union (C8-0436/2018),
 - having regard to the Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension ⁽¹⁾,
 - having regard to its resolution of 2 February 2017 on an integrated approach to Sport Policy: good governance, accessibility and integrity ⁽²⁾,
 - 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 Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Culture and Education (A8-0080/2019),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Council of Europe.

⁽¹⁾ OJ L 121, 8.5.2002, p. 1.

⁽²⁾ OJ C 252, 18.7.2018, p. 2.

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P8_TA(2019)0144

Protocol amending the EU-China Agreement on Maritime Transport (accession of Croatia)

European Parliament legislative resolution of 12 March 2019 on the draft Council decision on the conclusion, on behalf of the Union and of the Member States, of the Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Croatia to the European Union (05083/2015 — C8-0022/2019 — 2014/0327(NLE))

(Consent)

(2021/C 23/36)

The European Parliament,

- having regard to the draft Council decision (05083/2015),
 - having regard to the draft Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part (05880/2015),
 - having regard to the request for consent submitted by the Council in accordance with Article 100(2) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0022/2019),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Transport and Tourism (A8-0168/2019),
1. Gives its consent to conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the People's Republic of China.
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Tuesday 12 March 2019

P8_TA(2019)0145

EU-Egypt Euro-Mediterranean Agreement (accession of Croatia) ***

European Parliament legislative resolution of 12 March 2019 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union (10219/2016 — C8-0135/2017 — 2016/0121(NLE))

(Consent)

(2021/C 23/37)

The European Parliament,

- having regard to the draft Council decision (10219/2016),
 - having regard to the draft Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union (10221/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0135/2017),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A8-0025/2019),
1. Gives its consent to conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Arab Republic of Egypt.
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Tuesday 12 March 2019

P8_TA(2019)0146

EU-Turkmenistan Partnership and Cooperation Agreement

European Parliament resolution of 12 March 2019 on the draft Council and Commission decision on the conclusion by the European Union and the European Atomic Energy Community of the Partnership and Cooperation Agreement establishing a Partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part (12183/1/2011 — C8-0059/2015 — 1998/0031R(NLE))

(2021/C 23/38)

The European Parliament,

- having regard to the draft Council and Commission decision (12183/1/2011),
- having regard to the draft Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part (12288/2011),
- having regard to the request for consent submitted by the Council in accordance with Articles 91, 100(2), 207, 209 and 218(6)(a) of the Treaty on the Functioning of the European Union, and in accordance with the second paragraph of Article 101 of the Treaty establishing the European Atomic Energy Community (C8-0059/2015),
- having regard to its previous resolutions on the region of Central Asia, in particular those of 20 February 2008 on an EU Strategy for Central Asia ⁽¹⁾, of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia ⁽²⁾, of 13 April 2016 on implementation and review of the EU-Central Asia Strategy ⁽³⁾, of 22 April 2009 on the Interim Trade Agreement with Turkmenistan ⁽⁴⁾, and of 14 February 2006 on the human rights and democracy clause in European Union agreements ⁽⁵⁾,
- having regard to the 1999 Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and Turkmenistan, of the other part, concluded by the Council on 27 July 2009 (5144/1999), and to the regular meetings of the Joint Committee established thereunder,
- having regard to the Memorandum of Understanding on Energy signed between the European Union and Turkmenistan in May 2008,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Turkmenistan is a party,
- having regard to the annual EU-Turkmenistan Human Rights Dialogue,
- having regard to the commitment made by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) in her letter to the Committee on Foreign Affairs on 16 December 2015, containing the aspects mentioned in paragraph 3 herein,
- having regard to the letter by the VP/HR to the Chair of the Committee on Foreign Affairs of 5 July 2018 noting her support for the Partnership and Cooperation Agreement (PCA) with Turkmenistan,

⁽¹⁾ OJ C 184 E, 6.8.2009, p. 49.

⁽²⁾ OJ C 168 E, 14.6.2013, p. 91.

⁽³⁾ OJ C 58, 15.2.2018, p. 119.

⁽⁴⁾ OJ C 184 E, 8.7.2010, p. 20.

⁽⁵⁾ OJ C 290 E, 29.11.2006, p. 107.

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- having regard to Rule 99(5) of its Rules of Procedure,
 - having regard to the interim report of the Committee on Foreign Affairs (A8-0072/2019),
- A. whereas Central Asia is a region in which the European Union is increasingly engaged;
- B. whereas a Partnership and Cooperation Agreement (PCA) with Turkmenistan was initialled in 1997 and signed in 1998; whereas 14 Member States of the 15 original signatories have since ratified the PCA (the United Kingdom being the last remaining one); whereas Turkmenistan ratified the PCA in 2004; whereas accession to the PCA by those Member States that acceded to the EU after the agreement had been signed is subject to a separate protocol and ratification procedure;
- C. whereas once fully ratified, the PCA would be concluded for an initial period of 10 years, and then renewed annually, enabling the EU to resile from the agreement should serious doubts arise concerning respect for human rights or other serious infringements; whereas the parties may amend the PCA in order to take account of new developments;
- D. whereas the European Parliament was consulted on the Interim Trade Agreement (ITA) with Turkmenistan by the Council in April 2009, as part of an optional, legally non-binding procedure;
- E. whereas the Organisation for Security and Cooperation in Europe (OSCE) and the European Bank for Reconstruction and Development (EBRD) have set their benchmarks against which progress in Turkmenistan should be measured and the criteria authorising the pursuit of further cooperation, in compliance with internationally recognised standards on the rule of law, good governance and human rights;
- F. whereas respect for democracy and fundamental and human rights, and for the principles of a market economy, which constitute essential elements of the ITA (as set out in both Article 1 therein and Article 2 of the PCA), should remain long-term goals for Turkmenistan; whereas the unilateral suspension of application is a possibility in the event that either party were to violate these elements;
- G. whereas following considerations of the draft recommendation to give Parliament's consent to conclusion of the PCA, and of its accompanying draft report of 8 May 2015 containing a motion for a resolution, the Committee on Foreign Affairs decided to temporarily suspend the procedure on 24 May 2016 until it deemed that sufficient progress had been made as regards respect for human rights and the rule of law, and decided to open the current interim procedure;
- H. whereas the continued validity of the benchmarks for human rights progress for Turkmenistan, as articulated by Parliament in its previous resolutions, is of vital importance for a principled and coherent EU policy for relations with the country;
- I. whereas Turkmenistan adopted a National Action Plan on Human Rights for 2016-2020 (NAPHR) in 2015, prepared with the assistance of the UN Development Programme in 2013;
- J. whereas Turkmenistan has concluded international agreements, such as the ICCPR, the ICESCR and ILO Conventions;
1. Asks the Council, the Commission and the VP/HR to set, as a matter of urgency, the following short-term benchmarks to measure sustainable progress by the state authorities of Turkmenistan, based on recommendations by the UN, the OSCE and the EBRD, and before it has given its consent to the PCA:

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The political system, the rule of law and good governance

- (i) A clear division between the executive, legislative and judiciary branches and, *inter alia*, enabling and guaranteeing real participation by the population in state decision-making processes, including a consultation with international experts such as the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), on the compliance of the Constitution of Turkmenistan with these democratic principles, and a demonstration of willingness on the part of Turkmenistan to consider the recommendations for reforms proposed by these organisations;
- (ii) The removal of restrictions on the registration and functioning of non-governmental organisations;

Human rights and fundamental freedoms

- (iii) Implementation of the commitments made by the Turkmen Government in its NAPHR for 2016-2020;
 - (iv) An end to the secret detentions and enforced disappearances, forced labour, torture and disclosure of the fate or whereabouts of disappeared persons, allowing families to stay in contact with persons in custody; an acknowledgment by the country's authorities of the existence of political prisoners and unhindered access to the country for international organisations and independent monitors, including the International Committee of the Red Cross;
 - (v) Ensuring unhindered access to various sources of information and, in particular, allowing people to access alternative sources of information, including international communication facilities, and to keep telecommunications devices, such as private satellite dishes or affordable internet connections;
 - (vi) An end to the persecution and intimidation of independent journalists and civil society and human rights activists based in the country and abroad, including of their family members; guaranteeing freedom of expression and assembly;
 - (vii) Allowing visits by the UN and international and regional human rights organisations that have requested them and are still awaiting replies;
 - (viii) An end to the informal and arbitrary system of travel bans and ensuring that people who have been denied permission to leave the country are able to travel freely;
2. Asks the Council, the Commission and the VP/HR to take into account the following long-term recommendations for sustainable and credible progress:

The political system, the rule of law and good governance

- (i) Respect for the principles of political pluralism and democratic accountability, with properly functioning political parties and other organisations, free from interference;
- (ii) Continued implementation of reforms at all levels in accordance with the UN Sustainable Development Goals and in all areas of the administration, especially in the judiciary and in law enforcement;
- (iii) Strong and effective safeguards against high-level corruption, money laundering, organised crime and drug trafficking;
- (iv) Full implementation of the law prohibiting child labour;

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Human rights and fundamental freedoms

(v) Overall respect for the peaceful and legitimate exercise of the right to freedom of expression, freedom of association and freedom of religion or belief;

(vi) General freedom of movement, both within and outside the country;

3. Underlines the need for the European Parliament to closely follow and monitor developments in Turkmenistan and the implementation of all parts of the PCA, once it enters into force; calls on the VP/HR, in this context, to implement and publicly commit to the human rights monitoring mechanism, allowing Parliament to be properly informed by the European External Action Service (EEAS) about the implementation of the PCA, once it enters into force, and, in particular, of its objectives and of compliance with Article 2, so that it can respond to developments on the ground in the event of documented and proven serious breaches of human rights; highlights the possibility of a mechanism to suspend the PCA should such cases occur and welcomes, in this respect, the VP/HR's letter to the Committee on Foreign Affairs of 16 December 2015, containing the following objectives:

(i) ensuring that the European Parliament is properly informed about the implementation of the human rights and democratisation provisions of the PCA, including access to the relevant information on the development of the situations regarding human rights, democracy and the rule of law and that it is briefed upon request ahead of and following meetings of the Cooperation Council in a timely manner, subject to applicable confidentiality rules;

(ii) closer interaction with the European Parliament and civil society in preparation for the annual Human Rights Dialogues, and debriefings;

(iii) consultation with the European Parliament when preparing updates of the EU Human Rights Country Strategy for Turkmenistan;

4. Welcomes the VP/HR's announcement from November 2018 regarding the setting up of a fully-fledged EU Delegation in Ashgabat; emphasises that the new Delegation should develop a mutually beneficial cooperation strategy tailored to Turkmenistan's development conditions and requirements, should monitor the situation in the country, including human rights violations and individual cases of concern, should enter into a dialogue with the country's various political, social and economic players, should enable diplomacy on the ground, and should improve the management and oversight of projects funded by EU external financing instruments;

5. Concludes that it will consider giving its consent once it deems that the recommendations set out in paragraphs 1 and 3 have been duly addressed by the Commission, the Council, the VP/HR and the state authorities of Turkmenistan;

6. Instructs its President to request that the Council, the Commission and the VP/HR regularly provide Parliament with substantial information on the situation in Turkmenistan;

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7. Instructs its President to forward this resolution to the Council, the Commission, the VP/HR and the Government and Parliament of Turkmenistan.

Tuesday 12 March 2019

P8_TA(2019)0147

Implementing decision on the launch of automated data exchange with regard to DNA data in the United Kingdom ***European Parliament legislative resolution of 12 March 2019 on the draft Council implementing decision on the launch of automated data exchange with regards to DNA data in the United Kingdom (13123/2018 — C8-0474/2018 — 2018/0812(CNS))****(Consultation)**

(2021/C 23/39)

The European Parliament,

- having regard to the Council draft (13123/2018),
 - 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 (A8-0092/2019),
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.

Tuesday 12 March 2019

P8_TA(2019)0148

Exchange of information on third country nationals and European Criminal Records Information System (ECRIS) *I**

European Parliament legislative resolution of 12 March 2019 on the proposal for a directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA (COM(2016)0007 — C8-0012/2016 — 2016/0002(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/40)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0007),
 - having regard to Article 294(2) and Article 82(1), second subparagraph, point (d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0012/2016),
 - 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 19 December 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 (A8-0219/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0002

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/884.)

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P8_TA(2019)0149

Centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (ECRIS-TCN) *I**

European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011 (COM(2017)0344 — C8-0217/2017 — 2017/0144(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/41)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0344),
 - having regard to Article 294(2) and Article 82(1), second subparagraph, point (d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0217/2017),
 - 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 19 December 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 (A8-0018/2018),
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)0144

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/816.)

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P8_TA(2019)0150

European Solidarity Corps programme ***I

European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the European Solidarity Corps programme and repealing [European Solidarity Corps Regulation] and Regulation (EU) No 375/2014 (COM(2018)0440 — C8-0264/2018 — 2018/0230(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/42)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0440),
 - having regard to Article 294(2) and Articles 165(4), 166(4) and 214(5) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0264/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 6 December 2018 ⁽²⁾,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Development, the Committee on Employment and Social Affairs, the Committee on Budgets and the Committee on Regional Development (A8-0079/2019),
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(2018)0230

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council establishing the European Solidarity Corps programme and repealing [European Solidarity Corps Regulation] and Regulation (EU) No 375/2014

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165(4), 166(4) and 214(5) thereof,

⁽¹⁾ OJ C 62, 15.2.2019, p. 201.

⁽²⁾ OJ C 86, 7.3.2019, p. 282.

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Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The European Union is built on solidarity, among its citizens and among its Member States. This common value, **enshrined in Article 2 of the Treaty on the European Union**, guides its actions and provides the necessary unity to cope with current and future societal challenges, which young Europeans are willing to help address by expressing their solidarity in practice. [Am. 1]
- (1a) **Given the significant increase in humanitarian crises and global emergencies, and with a view to enhancing the promotion of solidarity and the visibility of humanitarian aid among Union citizens, there is a need to develop solidarity between Member States and with third countries affected by man-made or natural disasters.** [Am. 2]
- (1b) **Humanitarian aid is based on the principles of impartiality, neutrality and non-discrimination, which are embedded in international humanitarian law and Union law. Humanitarian aid provides a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering, maintaining human dignity and providing protection for vulnerable groups affected by man-made or natural disasters. Disaster risk reduction and preparedness through capacity and resilience building activities are also essential elements of humanitarian aid.** [Am. 3]
- (2) The State of the Union address of 14 September 2016 emphasised the need to invest in young people and announced the establishment of a European Solidarity Corps (the 'Programme') with a view to creating opportunities for young people across the Union to make a meaningful contribution to society, show solidarity and develop their skills, thus getting not only work but also invaluable human experience.
- (3) In its Communication 'A European Solidarity Corps' of 7 December 2016 ⁽⁴⁾, the Commission emphasised the need to strengthen the foundations for solidarity work across Europe, to provide young people with more and better opportunities for solidarity activities covering a broad range of areas, and to support national, **regional** and local actors, in their efforts to cope with different challenges and crises. The Communication launched a first phase of the European Solidarity Corps whereby different Union programmes were mobilised to offer volunteering, traineeship or job opportunities to young people across the Union. [Am. 4]
- (4) Article 2 of the Treaty of the European Union highlights solidarity as one of the principles key to the European Union. That principle is also referred to in Article 21(1) of the Treaty of the European Union as one of the foundations of the EU's external action.
- (4a) **Within the context of this Regulation, solidarity is understood as a sense of responsibility on the part of everyone with regard to everyone to commit oneself to the common good, which is expressed through concrete actions without consideration of return service.** [Am. 5]

⁽¹⁾ OJ C 62, 15.2.2019, p. 201.

⁽²⁾ OJ C 86, 7.3.2019, p. 282.

⁽³⁾ Position of the European Parliament of 12 March 2019.

⁽⁴⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Solidarity Corps (COM(2016)0942).

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- (4b)) *Providing assistance to people and communities outside the Union which are confronted with disasters or which are particularly vulnerable to disasters and in need of humanitarian aid, based on the fundamental principles of neutrality, humanity, independence and impartiality, is an important expression of solidarity.* [Am. 6]
- (4c) *Participating volunteers and organisations implementing actions under the European Voluntary Humanitarian Aid Corps should abide by the principles set out in the European Consensus on Humanitarian Aid.* [Am. 7]
- (4d) *There is a need to further develop solidarity with victims of crises and disasters in third countries and to raise both awareness levels and the visibility of humanitarian aid and volunteering in general as a lifelong activity among Union citizens.* [Am. 8]
- (4e) *The Union and the Member States have committed to implement the United Nations (UN) 2030 Agenda for Sustainable Development and the Sustainable Development Goals thereof, both internally and through external actions.* [Am. 9]
- (4f) *In its conclusions of 19 May 2017 on operationalising the humanitarian-development nexus, the Council recognised the need to strengthen resilience by better linking humanitarian assistance and development cooperation and to further strengthen the operational links between the complementary approaches of humanitarian assistance, development cooperation and conflict prevention.* [Am. 10]
- (5) Young people should be provided with easily accessible, **inclusive and meaningful** opportunities to engage in solidarity activities, which could enable them to express their commitment to the benefit of communities while acquiring useful experience, **knowledge**, skills and competences for their personal, educational, social, civic and professional development, thereby improving their employability. Those activities should also support the mobility of young volunteers, trainees and workers **and a multicultural exchange.** [Am. 11]
- (6) The solidarity activities offered to young people should be of high quality, ~~in the sense that~~; they should ~~respond to~~ **aim to tackle** unmet societal needs, **enhance solidarity and** contribute to strengthening communities, **and democratic participation. They should** offer young people the opportunity to acquire valuable knowledge, **skills** and competences, . **They should** be financially accessible to young people, and be implemented in safe, **inclusive** and healthy conditions. **Dialogue with local and regional authorities and European networks specialised in urgent social problems should be encouraged in order to best determine unmet societal needs and ensure a needs-oriented programme. Solidarity activities should not have a negative impact on existing jobs or traineeships and should contribute to reinforcing the corporate social responsibility commitments of companies, while not replacing them.** [Am. 12]
- (7) The European Solidarity Corps provides a single entry point for solidarity activities throughout the Union and beyond. Consistency and complementarity should be ensured with other relevant Union policies and programmes. The European Solidarity Corps is built on the strengths and synergies of predecessor and existing programmes, notably the European Voluntary Service ⁽⁵⁾ and the EU Aid Volunteers ⁽⁶⁾. It also complements the efforts made by Member States to support young people and ease their school-to-work transition under **schemes such as** the Youth Guarantee by providing them with additional opportunities to make a start on the labour market in the form of traineeships or jobs in solidarity-related areas within their respective Member State or across borders.

⁽⁵⁾ Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

⁽⁶⁾ Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative') (OJ L 122, 24.4.2014, p. 1).

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Complementarity with existing Union level networks pertinent to the activities under the European Solidarity Corps, such as the European Network of Public Employment Services, EURES and the Eurodesk network, ~~are~~ **and relevant civil society organisations, including social partners and networks representing young people and volunteers, is** also ensured. Furthermore, complementarity between existing related schemes, in particular national solidarity schemes, **such as volunteering, civil service** and mobility schemes for young people, and the European Solidarity Corps should be ensured, building on good practices where appropriate, **to mutually enhance and enrich the impact and qualities of such schemes and build upon good practices. The European Solidarity Corps should not substitute national schemes. Access for all young people to national solidarity activities should be ensured. The Commission should develop practical guidelines on the complementarity of the Programme with other Union programmes and sources of funding and on synergies between them.** [Am. 13]

- (8) With respect to the interpretation of related legislation at Union level, both the cross-border volunteering activities under the European Solidarity Corps and the volunteering activities that continue to be supported under Regulation (EU) No 1288/2013 should be considered equivalent to those carried out under the European Voluntary Service.
- (8a) **The certification of sending and hosting organisations, carried out in accordance with Regulation (EU) No 375/2014, should not be duplicated under the Programme and equivalence should be recognised when implementing this Regulation from 2021 onwards.** [Am. 14]
- (9) The European Solidarity Corps opens up new **non-formal and informal learning** opportunities for young people to carry out volunteering, traineeship or job activities in solidarity-related areas as well as to devise and develop solidarity projects based on their own initiative. These opportunities contribute to enhancing their personal, educational, social, civic and professional development. The European Solidarity Corps also supports networking activities for European Solidarity Corps participants and organisations as well as measures to ensure the quality of the supported activities and to enhance the validation of their learning outcomes. It will thus also contribute to European cooperation relevant to young people and raising awareness of its positive impact. **It should also contribute to strengthening communities and supporting existing organisations that implement solidarity actions.** [Am. 15]
- (10) These activities should **have a clear European added value and** be to the benefit of communities while also fostering the individual's personal, educational, social, civic and professional development, ~~which may~~. **It should be possible for those activities to** take the form of volunteering, traineeships and jobs, projects or networking activities, developed in relation to different areas, such as education and training, employment, gender equality, entrepreneurship — in particular social entrepreneurship —, citizenship and democratic participation, **intercultural and interreligious dialogue, social inclusion, inclusion of people with disabilities**, environment and nature protection, climate action, disaster prevention, preparedness and recovery, agriculture and rural development, provision of food and non-food items, health and wellbeing, **culture, including cultural heritage**, creativity ~~and culture~~, physical education and sport, social assistance and welfare, reception and integration of third-country nationals, **with a focus on overcoming the challenges faced by migrants**, territorial cooperation and cohesion, and cooperation across borders. Such solidarity activities should include a solid learning and training dimension through relevant activities that can be offered to participants before, during and after the solidarity activity. [Am. 16]
- (11) Volunteering activities (both within and beyond the Union) constitute a rich experience in a non-formal and informal learning context which enhances young people's personal, socio-educational and professional development, active citizenship, **democratic participation** and employability. **Volunteering should be based on a written volunteering agreement and** volunteering activities should not have an adverse effect on potential or existing paid employment, nor should they be seen as a substitute for it. The Commission and the Member States should cooperate regarding volunteering policies in the youth field via the open method of coordination. [Am. 17]
- (12) **Easily accessible** traineeships and jobs **should be clearly separated from volunteering, both from a financial and an organisational point of view. Traineeships should never lead to job substitution. Paid traineeships and jobs, however, can represent an incentive for disadvantaged young people and young people with fewer opportunities to participate** in solidarity-related areas ~~can offer additional opportunities for activities that they might not otherwise~~

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be able to access while giving a clear European added value in contributing to addressing key unmet social challenges and to strengthening local communities. Traineeships can ease the transition of young people to make a start on the labour market while contributing to addressing key societal challenges. This from education to employment and can help foster the employability and productivity of young people while easing their transition from education to employment, which is key to enhancing achieving their chances on sustainable integration into the labour market. The traineeship activities The traineeships and jobs offered constitute a stepping stone for young people to enter the labour market. Traineeships and jobs offered under the European Solidarity Corps should always be paid by the participating organisation hosting or employing the participant. Traineeships should be based on a written traineeship agreement in accordance with the applicable law of the country where the traineeship takes place, as appropriate, and should follow the quality principles outlined in the Council Recommendation of 10 March 2014 on establishing a Quality Framework for Traineeships (7). The Jobs should be based on an employment contract in accordance with the national law or applicable collective agreements, or both, of the participating country where the job is being carried out. Financial support to participating organisations offering jobs should not exceed twelve months. The participating organisations should apply for funding via the competent implementing body of the European Solidarity Corps in view of intermediating between the young participants and employers offering traineeship and job activities in solidarity sectors. Traineeships and jobs offered constitute a stepping stone for young people to enter the labour market and are should be accompanied by adequate post-activity preparation, on-the-job training and post-placement support in relation to the participation of the participant. The traineeship and job activities are Traineeships and jobs could be facilitated by relevant labour market actors, in particular public and private employment services, social partners and Chambers of Commerce, and are remunerated by the participating organisation. As participating as well as the member organisations, they should apply for funding via the competent implementing body of the European Solidarity Corps in view of intermediating between the young participants and employers offering traineeship and job of EURES, in accordance with Regulation (EU) 2016/589 of the European Parliament and of the Council (8) in the case of cross-border activities in solidarity sectors. [Am. 18]

(12a) *Efforts should be made to ensure that traineeships and jobs are open to the participation of all young people, in particular to young people with fewer opportunities, including young people with disabilities, social or cultural disadvantages, migrants and residents in isolated rural areas and the outermost regions of the Union. [Am. 19]*

(13) *Young people's spirit of initiative is an important asset for society and for the labour market. The European Solidarity Corps contributes to fostering this aspect by offering young people the opportunity to devise and implement their own projects aimed at addressing specific challenges to the benefit of their local communities. These projects are an opportunity to try out ideas to develop innovative solutions to common challenges through a bottom-up approach and support young people to be themselves drivers of solidarity actions. They also serve as a springboard for further engagement in solidarity activities and are a first step towards encouraging European Solidarity Corps participants to engage in self-employment or setting up and continue to be active citizens either as volunteers, trainees or as employees in associations, non-governmental organisations or other bodies active in the solidarity, non-profit and youth sectors. The European Solidarity Corps should essentially create an atmosphere in which young people are increasingly motivated to engage in solidarity activities and serve the public interest. [Am. 20]*

(7) Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1) 10 March 2014 on a Quality Framework for Traineeships (OJ C 88, 27.3.2014, p. 1).

(8) Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1).

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- (13a) *Volunteers can contribute to strengthening the Union's capacity to provide needs-based and principled humanitarian aid and can contribute to enhancing the effectiveness of the humanitarian sector where they are adequately selected, trained and prepared for deployment so as to ensure that they have the necessary skills and competences to help people in need in the most effective way, and provided that they can count on sufficient on-site support and supervision. Therefore, highly skilled, highly trained and experienced coaches or mentors on the ground play an important role in contributing to the effectiveness of the humanitarian response as well as towards supporting volunteers. [Am. 21]*
- (14) Young people and organisations participating in the European Solidarity Corps should feel that they belong to a community of individuals and entities committed to enhancing solidarity across Europe. At the same time, participating organisations need support to strengthen their capacities to offer good quality activities to an increasing number of participants. The European Solidarity Corps supports networking activities aimed at strengthening young people and participating organisations' engagement in this community, at fostering a European Solidarity Corps spirit, as well as at encouraging the exchange of ~~useful~~ **best** practices and experience. These activities also contribute to raising awareness about the European Solidarity Corps among public and private actors as well as to collect **detailed and meaningful** feedback from participants and participating organisations on **various stages of** the implementation of the European Solidarity Corps. **Feedback should include questions regarding the Programme's objectives in order to better evaluate their fulfilment.** [Am. 22]
- (14a) *Ensuring successful implementation of the Programme requires increased visibility and awareness and further promoting the funding opportunities available through information campaigns, including an annual European Solidarity Corps Information Day, and dynamic means of communication, with a strong focus on social media, ensuring the largest possible awareness among the target groups, both individuals and organisations. [Am. 23]*
- (15) Particular attention should be given to ensuring the quality of, **and the aim of inclusiveness to be achieved through**, the activities and ~~other~~ **the** opportunities offered under the European Solidarity Corps, in particular by offering **adequate online or offline** training, language support, **reasonable accommodation**, insurance, **simplified** administrative **procedures and pre-** and post-activity support to participants as well as the validation of the knowledge, skills and competences acquired through their European Solidarity Corps experience. **Support measures should be developed and provided in collaboration with youth organisations and other non-profit and civil society organisations in order to tap into their expertise in the field.** Security and safety of the ~~volunteers~~ **participants as well as of the intended beneficiaries** remain of paramount importance ~~and volunteers~~. **All activities should comply with the 'do no harm principle'. Participants** should not be deployed to operations conducted in the theatre of international and non-international armed conflicts, **or to facilities that contravene international human rights standards. Activities involving direct contact with children should be guided by the 'best interests of the child' principle and should entail, where appropriate, the carrying out of background checks on participants or the adoption of other measures with a view to ensuring the protection of children.** [Am. 24]
- (15a) *In line with the EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) and Article 9 of the UN Convention on the Rights of Persons with Disabilities, the Union and the Member States are to promote and support the transition from institutionalisation of vulnerable people, such as persons with disabilities and children, to family and community-based care. In that context, the Programme should not support measures or initiatives that hamper the commitment to end institutionalisation or any placement that would be harmful to children or persons with disabilities. [Am. 25]*
- (15b) *The Union's principles of equal opportunities and non-discrimination should be fully respected at all stages of the implementation of the Programme, including the identification and selection of participants and organisations. [Am. 26]*

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- (16) To ensure the impact of European Solidarity Corps activities on the personal, educational, social, **cultural**, civic and professional development of the participants, the knowledge, skills and competences that are the learning outcomes of the activity should be properly identified and documented, in accordance with national circumstances and specificities, as recommended in Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning ⁽⁹⁾. **To ensure that registered candidates are offered appropriate solidarity activities, the learning outcomes of solidarity activities should be made available to them before they choose to participate. To that end, the use of effective instruments at Union and national level for the recognition of non-formal and informal learning, such as Youthpass and Europass, should be encouraged, as appropriate.** [Am. 27]
- (16a) **National agencies should also encourage young volunteers to become ambassadors of the Programme in order to share their experiences through youth networks, educational establishments and workshops. Former volunteers or ambassadors could also contribute to the training of future candidates.** [Am. 28]
- (17) A quality label should ensure compliance of the participating organisations with the **values, principles and objectives of the Union as well as with the principles and requirements of the European Solidarity Corps**, as regards their rights and responsibilities, **and safety standards**, during all stages of the solidarity experience, **including the pre-activity and post-activity phases**. Obtaining a quality label is a precondition for participation but should not automatically lead to funding under the European Solidarity Corps. **Quality labels should be differentiated by type of solidarity activity.** [Am. 29]
- (18) Any entity willing to participate in the European Solidarity Corps should receive a quality label provided that the appropriate conditions are fulfilled. **To ensure the effective compliance of participating organisations with the principles and requirements of the European Solidarity Corps as regards their rights and responsibilities, separate quality labels should be put in place for volunteering in solidarity activities, volunteering in support of humanitarian aid operations, and for traineeships and jobs, and should also vary depending on the function of the participating organisation.** The process that leads to the attribution of a quality label should be carried out on a continuous basis by the implementing bodies of the European Solidarity Corps. The attributed quality label should be reassessed ~~periodically and could~~ **regularly and should** be revoked if, in the context of the checks to be performed, the conditions that led to its attribution were found to be no longer fulfilled. **The administrative process should be reduced to a minimum in order to avoid discouraging smaller organisations.** [Am. 30]
- (19) An entity willing to apply for funding to offer activities under the European Solidarity Corps should have first received a quality label as a precondition. This requirement does not apply to natural persons seeking financial support on behalf of an informal group of European Solidarity Corps participants for their solidarity projects.
- (19a) **As a general rule, grant requests should be submitted to the national agency of the country in which the participating organisation is based. Grant requests for solidarity activities organised by Europe-wide or international organisations, solidarity activities of volunteering teams in priority fields identified at the European level, and solidarity activities in support of humanitarian aid operations in third countries should be submitted to the Education, Audiovisual and Culture Executive Agency (EACEA) established by Commission Implementing Decision 2013/776/EU ⁽¹⁰⁾.** [Am. 31]
- (20) Participating organisations may perform several functions in the framework of the European Solidarity Corps. In a host function they will carry out activities related to receiving the participants, including the organisation of activities and providing guidance and support to participants during the solidarity activity **as well as feedback after the activity**, as appropriate. In a support function they will carry out activities in relation to the sending and the preparation of participants before departure, during and after the solidarity activity, including training and guiding participants to local organisations after the activity **in order to increase opportunities for further solidarity**

⁽⁹⁾ Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1).

⁽¹⁰⁾ Commission Implementing Decision 2013/776/EU of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency' and repealing Decision 2009/336/EC (OJ L 343, 19.12.2013, p. 46).

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experiences. National agencies should also encourage volunteers to become ambassadors for the Programme and share personal experiences through youth networks and educational establishments, thus contributing to the promotion of the Programme. To that end, national agencies should provide volunteers with support. [Am. 32]

- (20a) *In order to support solidarity activities among young people, participating organisations should be public or private entities or international organisations, non-profit or profit making, and may include youth organisations, religious institutions and charity associations, secular humanistic organisations, NGOs or other actors from civil society. The Programme should only provide funding to cover the non-profit part of the activities of participating organisations. [Am. 33]*
- (21) The scaling-up of European Solidarity Corps projects should be facilitated. **At the same time, accurate and continually updated information regarding those opportunities should be provided for potential beneficiaries.** Specific measures should be put in place to help promoters of European Solidarity Corps projects to apply for grants or develop synergies through the support of the European Structural and Investment Funds and the programmes relating to migration, security, justice and citizenship, health and culture. [Am. 34]
- (22) European Solidarity Corps Resource Centres should assist the implementing bodies, the participating organisations and the young people taking part in the European Solidarity Corps in order to raise the quality of the implementation of the activities of the European Solidarity Corps as well as to enhance the identification and validation of competences acquired through these activities including through producing Youthpass certificates.
- (23) The European Solidarity Corps Portal should be continuously developed in order to ensure easy, **barrier-free and user friendly** access to the European Solidarity Corps and to provide, **in compliance with the standards established by Directive (EU) 2016/2102 of the European Parliament and of the Council** ⁽¹¹⁾. **The European Solidarity Corps Portal provides** a one-stop shop for both interested individuals and organisations as regards, inter alia, registration, identification and matching of profiles and opportunities, networking and virtual exchanges, online training, language and **pre-activity and** post-activity support, **feedback and evaluation mechanisms** as well as other useful functionalities, which may arise in the future. **While a one-stop shop provides the advantage of integrated access to diverse activities, individuals may encounter physical, social and other obstacles in accessing the European Solidarity Corps Portal. In order to overcome such obstacles, participating organisations should provide participants with registration support.** [Am. 35]
- (24) The European Solidarity Corps Portal should be further developed taking into account the European Interoperability Framework ⁽¹²⁾, which gives specific guidance on how to set up interoperable digital public services and is implemented in the Member States and other member of the European Economic Area through National Interoperability Frameworks. It offers public administrations 47 concrete recommendations on how to improve governance of their interoperability activities, establish cross-organisational relationships, streamline processes supporting end-to-end digital services, and ensure that both existing and new legislation do not compromise interoperability efforts. **Additionally, the Portal should be built in accordance with the standards established by Directive (EU) 2016/2102.** [Am. 36]
- (24a) *In order to enhance the transparency of the implementation process and increase the Programme's effectiveness, the Commission should regularly consult key stakeholders, including participating organisations, on the implementation of the Programme. [Am. 37]*
- (24b) *In order to ensure the proper functioning of the Programme and the timely deployment of the Programme's actions, it is essential that mechanisms are put in place within the Programme's work programmes to guarantee that offers are presented to registered candidates within a reasonable and relatively predictable amount of time.*

⁽¹¹⁾ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

⁽¹²⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — European Interoperability Framework — Implementation Strategy (COM(2017)0134).

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Periodic information and updates on available placements and actively involved participating organisations should therefore be sent to registered candidates in order to stimulate their engagement with the Programme after their registration, while also offering them the opportunity to directly get in touch with the actors involved in the field of solidarity at both the national and European level. [Am. 38]

- (25) Regulation [the new Financial Regulation] ⁽¹³⁾ (the 'Financial Regulation') applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees.
- (26) In particular, in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽¹⁴⁾ and Council Regulation (Euratom, EC) No 2185/96 ⁽¹⁵⁾, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Council Regulation (EU) 2017/1939 ⁽¹⁶⁾, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council ⁽¹⁷⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.
- (27) The European Solidarity Corps targets young people aged 18-30, and participation in the activities offered by the European Solidarity Corps should require prior registration in the European Solidarity Corps Portal.
- (27a) **The Union's principles of equal opportunities and non-discrimination suggest that Union citizens and long-term residents in the Union of all walks of life and ages should be able to engage as active citizens. In view of the specific challenges of humanitarian action, participants in the EU Aid Volunteers initiative should be at least 18 years of age and may represent a wide variety of profiles and generations whose skills are relevant to the successful conduct of such humanitarian operations. [Am. 39]**
- (28) Special attention should be given to ensuring that the activities supported by the European Solidarity Corps are accessible to all young people, ~~notably the most disadvantaged ones~~ **in particular those with fewer opportunities, as further detailed in the Inclusion and Diversity Strategy developed and applied within the framework of the Erasmus+ programme. Special measures, such as appropriate formats of solidarity activities and personalised guidance,** should be in place to promote social inclusion, the participation of ~~disadvantaged~~ **young people with fewer opportunities,** as well as to take into account the constraints imposed by the remoteness of a number of rural areas and of the outermost regions of the Union and the Overseas Countries and Territories. **To that end, young people with fewer opportunities should, without prejudice to the possibility to participate full-time and in a country other than the country of residence, also have the possibility to participate part-time or in the country of residence, and should benefit from other measures aimed at facilitating their participation in the Programme.**

⁽¹³⁾ [Pending reference to Financial Regulation].

⁽¹⁴⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ L 248, 18.9.2013, p. 1).

⁽¹⁵⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽¹⁶⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽¹⁷⁾ 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).

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Similarly, the participating countries should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the European Solidarity Corps. This should resolve, where possible, and without prejudice to the Schengen *acquis* and Union law on the entry and residence of third-country nationals, administrative issues that create difficulties in obtaining visas and residence permits, as well as the issuing of a European Health Insurance Card in the case of cross-border activities within the European Union. [Am. 40]

- (28a) **Particular attention and support should be given to the capacity of hosting partner organisations in third countries and the need to embed the activities of volunteers within the local context and to facilitate volunteers' interaction with local humanitarian actors, the hosting community and civil society.** [Am. 41]
- (29) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and achieve the United Nations Sustainable Development Goals, this Programme will contribute to mainstream climate action and to the achievement of an overall target of **at least 25 %** of the Union budget expenditures supporting climate objectives **over the 2021-2027 period of the Multiannual Financial Framework, and an annual target of 30 % as soon as possible and not later than 2027**. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. [Am. 42]
- (30) This Regulation lays down a financial envelope for the period 2021-2027 which is to constitute the prime reference amount, within the meaning of Point 17 of 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, for the European Parliament and the Council during the annual budgetary procedure ⁽¹⁸⁾.
- (30a) **An adequate part of the budget should be dedicated to the exchange of best practices among Member States and the development of youth networks.** [Am. 43]
- (31) The types of financing and the methods of implementation under this Regulation shall be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. For grants, this shall include consideration of the use of lump sums, flat rates and scales of unit costs.
- (32) Third countries which are members of the European Economic Area (EEA) may participate in the Programme in the framework of the cooperation established under the European Economic Area (EEA) agreement, which provides for the implementation of Union programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. This Regulation should grant the necessary rights for and access to the authorising officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences. The full participation of third countries in the Programme should be subject to the conditions laid down in specific agreements covering the participation of the third country concerned to the Programme. Full participation entails, moreover, the obligation to set up a national agency and managing some of the actions of the Programme at decentralised level. Individuals and entities from third countries that are not associated to the Programme should be able to participate in some of the actions of the Programme, as defined in the work programme and the calls for proposals published by the Commission.
- (33) In order to maximise the impact of the European Solidarity Corps, provisions should be made to allow participating countries and other Union programmes to make additional funding available in accordance with the rules of the European Solidarity Corps.
- (34) Pursuant to [Article 88 of New Council Decision on association of OCTs] ⁽¹⁹⁾, persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.

⁽¹⁸⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

⁽¹⁹⁾ [Pending reference on New Council Decision on association of OCTs].

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- (35) In line with the Commission's communication on 'A stronger and renewed strategic partnership with the Union's outermost regions' ⁽²⁰⁾, the Programme should take into account the specific situation of these regions. Measures will be taken to increase the outermost regions' participation in all actions, **including reinforced publicity**. Such measures will be monitored regularly and evaluated. [Am. 44]
- (36) **Given that the Programme is implemented over a seven-year period, it is necessary to provide for adequate flexibility to enable the Programme to adapt to changing realities and political priorities for the implementation of solidarity activities. As such, this Regulation does not set out in detail how the actions will be designed and it does not prejudge political priorities or respective budgetary priorities for the next seven years. Instead, the secondary policy choices and priorities, including details of specific actions, to be implemented through the different activities should be determined through an annual work programme in compliance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽²¹⁾ (the Financial Regulation), the Commission should adopt work programmes and inform the European Parliament and the Council thereof. The work programme should set out the measures needed for their implementation in line with the general and specific objectives of the Programme, the selection and award criteria for grants, as well as all other elements required. Work programmes and any amendments to them should be adopted by implementing acts in accordance with the examination procedure means of a delegated act. To ensure equal participation in the preparation of delegated acts, the Commission, when preparing and drawing up delegated acts, should carry out appropriate consultations during its preparatory work, including at expert level and ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.** [Am. 45]
- (37) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. Such requirements should include specific, measurable and realistic indicators which can be measured over time as a basis for evaluating the effects of the Programme on the ground.
- (38) Appropriate outreach, publicity and dissemination of the opportunities and results of the actions supported by the Programme should be ensured at European, **regional**, national and local level. **The Programme should be promoted through dynamic means of communication, with special focus on social media, in order to reach out to a large number of potential candidates.** Special attention should be paid to social enterprises encouraging them to support the European Solidarity Corps activities. The outreach, publicity and dissemination activities should rely on all the implementing bodies of the Programme, ~~including~~, **on Union websites, Union programmes associated with the European Solidarity Corps, and should**, when relevant, ~~with~~ **involve** the support of other key stakeholders. [Am. 46]
- (39) In order to better achieve the objectives of the Programme, the Commission, Member States and national agencies should ~~preferably~~ work closely together in partnership with non-governmental organisations, **social enterprises**, youth organisations, **organisations representing people with disabilities**, and local stakeholders having expertise in solidarity actions, **including volunteer infrastructure and support agencies such as volunteer centres.** [Am. 47]
- (40) In order to ensure greater efficiency in communication to the public at large and stronger synergies between the communication activities undertaken at the initiative of the Commission, the resources allocated to communication under this Regulation should also contribute to covering the corporate communication of the political priorities of the Union **in a barrier-free way**, provided that these are related to the general objective of this Regulation. [Am. 48]

⁽²⁰⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank on A stronger and renewed strategic partnership with the EU's outermost regions (COM(2017)0623).

⁽²¹⁾ **Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).**

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- (41) In order to ensure efficient and effective implementation of this Regulation, the Programme should make maximum use of existing management arrangements already in place. The implementation of the Programme should therefore be entrusted to existing structures, namely the Commission and the national agencies designated for the management of the actions referred to in Chapter III of [New Erasmus Regulation]. The Commission should regularly consult key stakeholders, including participating organisations, on the implementation of the European Solidarity Corps.
- (42) In order to ensure sound financial management, **cost optimisation** and legal certainty in each participating country, each national authority should designate an independent audit body. Where feasible, and in order to maximise efficiency, the independent audit body could be the same as the one designated for the actions referred to in Chapter III of [New Erasmus Regulation]. [Am. 49]
- (43) Member States should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. This includes resolving, where possible, and without prejudice to Union law on the entry and residence of third-country nationals issues that create difficulties in obtaining visas and residence permits **and other legal difficulties that could prevent young people's access to the Programme**. In line with Directive (EU) 2016/801 of the European Parliament and of the Council ⁽²²⁾, Member States are encouraged to establish fast-track admission procedures. [Am. 50]
- (44) The performance reporting system should ensure that data for monitoring programme implementation and evaluation are collected efficiently, effectively and in a timely manner, and at the appropriate level of granularity. Such data should be communicated to the Commission in a way that complies with relevant data protection rules.
- ~~(45) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²³⁾. [Am. 51]~~
- (46) In order to simplify requirements for beneficiaries, simplified grants in the form of lump-sums, unit-costs and flat-rate funding should be used to the maximum possible extent. The simplified grants to support the mobility actions of the Programme, as defined by the Commission, should take into account the living and subsistence costs of the host country. In accordance with national law, Member States should also be encouraged to exempt those grants from any taxes and social levies. The same exemption should apply to public or private entities awarding such financial support to the individuals concerned.
- (47) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council, Council Regulation (Euratom, EC) No 2988/95 ⁽²⁴⁾, Council Regulation (Euratom, EC) No 2185/96 and Council Regulation (EU) 2017/1939, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In order to review and/or complement the performance indicators of the Programme, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in

⁽²²⁾ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

⁽²³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011. Laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽²⁴⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

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accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (48) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ⁽²⁵⁾. In particular, this Regulation seeks to ensure full respect for the right to equality between men and women and the right to non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, **socioeconomic background** and to promote the application of Articles 21 and 23 of the Charter of Fundamental Rights of the European Union. [Am. 52]
- (49) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective Union funding.
- (50) Since the objective of this Regulation, namely to enhance the engagement of young people and organisations in accessible and high-quality solidarity activities, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (51) [European Solidarity Corps Regulation] should be repealed with effect from 1 January 2021.
- (52) In order to ensure continuity in the funding support provided under the Programme, this Regulation should apply from 1 January 2021.

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1 Subject matter

This Regulation establishes the European Solidarity Corps (the 'Programme').

It lays down the objectives of the Programme, the budget for the period 2021 — 2027, the forms of Union funding and the rules for providing such funding.

⁽²⁵⁾ EU Charter of Fundamental Rights (OJ C 326, 26.10.2012, p. 391).

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Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'solidarity activity' means a high-quality ~~temporary~~ **inclusive and adequately funded** activity **addressing important societal challenges to the benefit of a community or of society as a whole**, contributing to the achievement of the objectives of the European Solidarity Corps, which may take the form of volunteering, traineeships, jobs, solidarity projects and networking activities in various fields, including those referred to in paragraph 13, ensuring the European added value and compliance with health and safety regulations **and international human rights standards**; [Am. 53]
- (2) 'registered candidate' means an individual aged between 17 and 30 years **who is legally residing in a participating country** and who has registered in the European Solidarity Corps Portal to express the interest to engage in a solidarity activity but is not yet participating in such activity; [Am. 54]
- (3) 'participant' means an individual aged between 18 and 30 years **who is legally residing in a participating country**, who has registered in the European Solidarity Corps Portal and **who** takes part in a solidarity activity under the European Solidarity Corps; [Am. 55]
- (4) 'young people with fewer opportunities' means ~~young people facing some~~ **who need additional support due to various obstacles that prevent them from having effective access to opportunities under the Programme for economic, social, cultural, geographical or arising from, for example disability, health reasons or for reasons such as disabilities and problems, educational difficulties, their migrant background, cultural differences, their economic, social and geographical situation, including people from marginalised communities or at risk of facing discrimination based on any of the grounds enshrined in Article 21 of the Charter of Fundamental Rights of the European Union**; [Am. 56]
- (5) 'participating organisation' means any public or private entity, whether **non-profit or profit making**, local, regional, national or international, that has been attributed the European Solidarity Corps quality label, **in a host function, in a support function, or in both functions, ensuring that the entity is able to implement the high-quality solidarity activities in accordance with the objectives of the Programme**; [Am. 57]
- (6) 'volunteering' means ~~a~~ **an optional** solidarity activity ~~taking place as voluntary unpaid~~ **consisting in the performance of an activity for the public benefit that contributes to the achievement of public welfare, which a participant performs in his or her free time and of his or her free will, without an entitlement to remuneration**, for a period of up to 12 months; [Am. 58]
- (7) 'traineeship' means a **paid** solidarity activity **that takes the form of work practice within a participating organisation** for a period from ~~two~~ **three** to six months, renewable once and for a maximum duration of 12 months, that is offered and paid by the participating organisation hosting the European Solidarity Corps participant **and that involves a learning component to gain relevant skills and experience**; [Am. 59]
- (8) 'job' means a **decently paid** solidarity activity for a period from ~~2~~ **three** to 12 months, **which includes a learning and training component, is based on a written agreement and is offered and** paid by the participating organisation employing the European Solidarity Corps participant, **not replacing or substituting an existing employment opportunity**; [Am. 60]
- (9) 'solidarity project' means an unpaid in-country **or cross-border** solidarity activity for a period of up to 12 months, carried out by groups of at least five European Solidarity Corps participants, with a view to addressing key challenges within their communities while presenting a clear European added value; [Am. 61]

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- (10) 'quality label' means the certification attributed, **on the basis of varying specific requirements depending on the type of solidarity activity provided**, to a participating organisation willing to provide solidarity activities under the European Solidarity Corps, in the role of a host and/or in a support function, **that certifies that the organisation is able to ensure the quality of solidarity activities, during all stages of the solidarity experience, in accordance with the principles and objectives of the Programme**; [Am. 62]
- (11) 'European Solidarity Corps Resource Centres' means the additional functions performed by designated national agencies to support the development, implementation and quality of activities under the European Solidarity Corps as well as the identification of the competences acquired by the participants through their solidarity activities;
- (12) 'Union transparency and recognition tools' means instruments that help stakeholders to understand, appreciate and, as appropriate, recognise non-formal and informal learning outcomes throughout the Union. All participants will receive, after completion of their activities, a certification stating the learning outcomes of, and skills developed during their activities, such as Youthpass or Europass;
- (13) 'humanitarian aid activity' means an activity supporting humanitarian aid operations in third countries intended to provide needs-based emergency assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters, including assistance, relief and protection operations in humanitarian crises or their immediate aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, as well as actions aimed at reinforcing disaster preparedness and disaster risk reduction, linking relief, rehabilitation and development, and contributing towards strengthening resilience and capacity to cope with, and recover from crises;
- (14) 'third country' means a country that is not member of the Union;
- (15) 'third country associated to the programme' means a third country which is party to an agreement with the Union allowing for its participation in the Programme and which fulfils all the obligations laid down in this Regulation in relation to Member States;
- (16) 'third country not associated to the programme' means a third country which does not participate fully in the Programme but whose legal entities may exceptionally benefit from the Programme in duly justified cases in the Union's interest.

Article 3

Programme objectives

1. The general objective of the Programme is to **promote solidarity as a value, mainly through volunteering**, enhance the engagement of **a generation of young people more likely to engage in solidarity activities** and organisations in accessible and high-quality solidarity activities as a means to contribute to strengthening **social cohesion, solidarity and democracy, European identity and active citizenship** in the Union and abroad, ~~addressing~~ **to support communities and respond to** societal and humanitarian challenges on the ground, with particular effort to promote social inclusion **and equal opportunities**. [Am. 63]

2. The specific objective of the Programme is to provide young people, including those with fewer opportunities, with easily accessible **and inclusive** opportunities for engagement in solidarity activities **inducing positive societal changes** in Europe and abroad while improving and properly validating their competences **for personal, educational, social, cultural, civic and professional development**, as well as facilitating their **continuous engagement as active citizens**, employability and transition into the labour market. [Am. 64]

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2a. Feedback provided by participants and participating organisations shall also include an evaluation of the fulfilment of the Programme's objectives. [Am. 65]

3. The objectives of the Programme shall be implemented under the following strands of actions:

- (a) participation of young people in solidarity activities addressing societal challenges as referred to in Article 6 **and efforts to achieve the Sustainable Development Goals; [Am. 66]**
- (b) participation of young people **and people with expertise** in humanitarian aid related solidarity activities (European Voluntary Humanitarian Aid Corps) as referred to in Article 10 **and actions inside and outside the Union aimed at building hosting organisations' capacity for humanitarian aid in third countries as referred to in Article 11. [Am. 67]**

3a. The operational objectives and corresponding policy priorities of the actions to be implemented through the activities under the strands referred to in paragraph 3 of this Article shall be specified in detail in the annual work programmes to be adopted pursuant to Article 18. [Am. 68]

CHAPTER II

ACTIONS OF THE EUROPEAN SOLIDARITY CORPS

Article 4

Actions of the European Solidarity Corps

1. The Programme shall pursue the objectives set out in Article 3 through the following types of actions:

- (a) volunteering, as referred to in Articles 7 and 11;
- (b) traineeships and jobs, as referred to in Article 8, **which shall be of high quality; [Am. 69]**
- (c) solidarity projects, as referred to in Article 9;
- (d) networking activities, as referred to in Article 5;
- (e) quality and support measures, as referred to in Article 5.

2. The Programme shall support the solidarity activities which present a clear European added value, for example through:

- (a) their transnational character, particularly with regard to learning mobility and cooperation;
- (b) their ability to complement with other programmes and policies at local, regional, national, Union and international level;
- (c) their European dimension regarding the topics, aims, approaches, expected outcomes and other aspects of these solidarity activities;
- (d) their ~~approach~~ **inclusiveness and their effective ability** to involve young people from different backgrounds, **including young people with disabilities; [Am. 70]**
- (e) their contribution to the effective use of Union transparency and recognition tools.

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2a. Annual work programmes adopted pursuant to Article 18 shall include a list of activities which are potentially harmful to participants, beneficiaries and society, or inappropriate for participants, and which shall not be carried out in the framework of the Programme or which shall be subject to special training, background checks or other measures. [Am. 71]

3. The solidarity activities shall be implemented in accordance with specific requirements set for each type of activity carried out in the framework of the Programme as referred to in Articles 5, 7, 8, 9 and 11, as well as with applicable regulatory frameworks in participating countries.

4. References to the European Voluntary Service in the Union legislation shall be read as including volunteering activities under both Regulation (EU) No 1288/2013 and this Regulation.

Article 5

Actions common to both strands

1. Networking activities, as referred to in Article 4.1, point (d), shall aim at:

(a) reinforcing the capacities of the participating organisations to offer ~~good~~ **high** quality, **easily accessible and adequately funded** projects to an increasing number of European Solidarity Corps participants; [Am. 72]

(b) attracting newcomers, both young people and **those with some experience in the EU Aid Volunteers initiative and** participating organisations; [Am. 73]

(ba) facilitating the access of people with disabilities to all activities offered; [Am. 74]

(c) providing opportunities to give feedback on solidarity activities **as well as to promote the Programme as an ambassador;** and [Am. 75]

(d) contributing to exchange of experiences and strengthening the sense of belonging among the individuals and entities participating in the European Solidarity Corps and thus support its wider positive impact.

2. Quality and support measures, as referred to in Article 4.1, point (e), shall include:

(a) measures aimed at ensuring the quality of volunteering, traineeships or jobs, including training, language support, complementary insurance, support before or after the solidarity activity as well as the further use of Youthpass that identifies and documents the competences acquired during the solidarity activities for participants, and capacity building and, administrative support for participating organisations;

(aa) measures to protect beneficiaries of solidarity activities, including the targeted training of participants who undertake their solidarity activities for the benefit of vulnerable groups, including children, and background checks of participants working with children; [Am. 76]

(ab) measures aimed at promoting social inclusion and equal opportunities, in particular for the participation of young people with fewer opportunities, such as appropriate formats of solidarity activities and personalised support; [Am. 77]

(ac) measures aimed at ensuring capacity building and administrative support for participating organisations; [Am. 78]

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- (b) the development and maintenance of ~~a~~ **the quality label labels** for entities willing to provide solidarity activities for the European Solidarity Corps; [Am. 79]
- (c) the activities of European Solidarity Corps Resource Centres to support and raise the quality of the implementation of the actions of the European Solidarity Corps and enhance the validation of their outcomes;
- (d) the establishment, maintenance and updating of ~~the~~ **an accessible** European Solidarity Corps Portal **in at least all official languages of the Union** and other relevant online services as well as ~~the~~ necessary IT support systems and web-based tools **which shall comply with the accessibility requirements of Directive (EU) 2016/2102**; [Am. 80]
- (da) **measures to encourages social enterprises to support Programme activities or to allow employees to engage in volunteering activities in the framework of the Programme**; [Am. 81]
- (db) **the development of a clear and detailed procedure addressed to participants and participating organisations, establishing the steps of, and timeframes for, all phases of the solidarity activities**; [Am. 82]

CHAPTER III

PARTICIPATION OF YOUNG PEOPLE IN SOLIDARITY ACTIVITIES ADDRESSING SOCIETAL CHALLENGES

Article 6

Purpose and types of actions

1. Actions implemented under the strand 'Participation of young people in solidarity activities addressing societal challenges' shall in particular contribute to strengthening cohesion, solidarity, **citizenship** and democracy in the Union and abroad, while also responding to societal challenges with particular effort to promote social inclusion **and equal opportunities**. [Am. 83]
2. The strand shall support activities as referred to in Article 4.1, in points (a), (b), (c), (d) and (e) in the following ways:
 - (a) volunteering, as referred to in Article 7;
 - (b) traineeships and jobs, as referred to in Article 8, **which shall be of high quality**; [Am. 84]
 - (c) solidarity projects, as referred to in Article 9;
 - (d) networking activities for individuals and organisations participating in this strand in accordance with Article 5;
 - (e) quality and support measures in accordance with Article 5.

Article 7

Volunteering in solidarity activities

1. Volunteering as referred to in **point (a) of Article 4.1, point (a) 4(1)** shall include a **solid education and learning and dimension, and online and offline training component tailored to the activity in question to take place before and during the activity, shall strive for a clear impact on identified community needs**, shall not substitute traineeships or jobs, shall not be equated with employment and shall be based on a written volunteering agreement **in accordance with relevant national law. Such an agreement shall ensure the adequate legal, social and financial protection of the participant**. [Am. 85]

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2. Volunteering ~~may~~ **shall as a rule** take place in a country other than the country of residence of the participant (cross-border) ~~or~~. **Volunteering may take place** in the country of residence of the participant (in-country), **but shall only be open to the participation of young people with fewer opportunities and shall include the participation of participants residing in a country other than the country in which the activity is taking place.** [Am. 86]

Article 8

Traineeships and jobs

1. A traineeship ~~as referred to in Article 4.1, point (b)~~ shall be **paid and** based on a written traineeship agreement **concluded at the beginning of the traineeship** in accordance with the applicable regulatory framework of the country where the traineeship takes place, as appropriate. **The traineeship agreement shall indicate the educational objectives, the working conditions and the duration of the traineeship, the remuneration which the participant is to receive and the rights and obligations of the parties** and ~~taking~~ **shall take** into account the principles of the Quality Framework for Traineeships (2014/C 88/01). Traineeships shall not substitute jobs. [Am. 87]

2. A job ~~as referred to in Article 4.1, point (b)~~ shall be based on ~~an~~ **a written** employment contract **which respects all the terms and conditions of employment as established** in accordance with the national regulatory framework **law, applicable collective agreements, or both**, of the participating country ~~where~~ **in which** the job is being carried out. The financial support to participating organisations offering jobs shall not exceed ~~12~~ **twelve** months in cases when the duration of the employment contract exceeds ~~12~~ **twelve** months. [Am. 88]

3. Traineeships and jobs shall include a **solid education and** learning ~~and training~~ component **before and during the activity, to help the participant gain relevant experience with a view to developing competences useful for the participant's personal, educational, social, civic and professional development.** [Am. 89]

4. Traineeships and jobs ~~may~~ **shall as a rule** take place in a country other than the country of residence of the participant (cross-border) ~~or~~. **Traineeships and jobs may take place** in the country of residence of the participant (in-country), **but shall only be open to the participation of young people with fewer opportunities and shall include the participation of participants residing in a country other than the country in which the activity is taking place.** [Am. 90]

4a. **An adequate budget shall be allocated to fund the reasonable accommodation enabling the effective participation of persons with disabilities on an equal basis with others, in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities and with Council Directive 2000/78/EC⁽²⁶⁾.** [Am. 91]

Article 9

Solidarity projects

A solidarity project as referred to in Article 4.1, point (c) shall not substitute traineeships and/or jobs.

CHAPTER IV

EUROPEAN VOLUNTARY HUMANITARIAN AID CORPS

Article 10

Purpose and types of actions

1. Actions implemented under the strand 'European Voluntary Humanitarian Aid Corps' shall in particular contribute to providing needs-based humanitarian aid aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity **in the context of natural or man-made disasters** and to strengthening the capacity and resilience of **communities that are vulnerable or disaster-affected communities, fragile or affected by natural or man-made disasters, and to facilitate the transition from the humanitarian response to long-term sustainable and inclusive development.** [Am. 92]

⁽²⁶⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

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2. ~~The actions~~ **Actions** under this Chapter shall be carried out in compliance with the **European Consensus on Humanitarian Aid, promoting the fundamental** humanitarian aid principles of humanity, neutrality, impartiality and independence **while reiterating the Union's firm commitment to a needs-based approach, without discrimination between or within affected populations, and respecting international law.** [Am. 93]

2a. *The Union's humanitarian aid is delivered in situations where other instruments related to development cooperation, crisis management and civil protection might operate. The European Voluntary Humanitarian Aid Corps shall work in a coherent and complementary manner and avoid overlaps with relevant Union policies and instruments, in particular with the Union's humanitarian aid policy, development cooperation policy and the Union Civil Protection Mechanism.* [Am. 94]

2b. *In promoting a coherent international response to humanitarian crises, the actions under this Chapter shall be in accordance with those coordinated by United Nations Office for the Coordination of Humanitarian Affairs.* [Am. 95]

2c. *The European Humanitarian Aid Corps shall contribute to strengthening the gender perspective in Union humanitarian aid, promoting adequate humanitarian responses to the specific needs of women. Special attention shall be paid to cooperation with women's groups and networks in order to promote the participation and leadership of women in humanitarian aid and to draw on their capacities and expertise to contribute to recovery, peace building, disaster risk reduction and resilience of affected communities.* [Am. 96]

2d. *The specific terms of deployment shall be set out, in close consultation with the hosting organisations, in an agreement between the sending organisation and the European Voluntary Humanitarian Aid Corps, including rights and obligations, the duration and location of deployment and the tasks to be carried out.* [Am. 97]

3. The strand shall support activities as referred to in Article 4.1, in points (a), (d), and (e) in the following ways:

(a) volunteering, as referred to in Article 11;

(aa) **solidarity projects;** [Am. 98]

(b) networking activities for individuals and organisations participating in this strand in accordance with Article 5;

(c) quality and support measures in accordance with Article 5 with particular focus on measures to ensure safety and security of participants.

3a. **On the basis of a prior assessment of needs in third countries, this Regulation shall support actions aimed at strengthening humanitarian aid capacity in order to enhance local preparedness and response to humanitarian crises and to ensure that volunteers' work has an effective and sustainable impact on the ground, including:**

(a) **management of risks associated with natural disasters, preparedness and response, coaching, training in volunteer management, and other relevant areas for staff and volunteers from hosting organisations;**

(b) **exchange of best practices, technical assistance, twinning programmes and exchange of staff and volunteers, creation of networks and other relevant actions.** [Am. 99]

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3b. The Commission shall continue, maintain and update the EU Aid Volunteers database, regulate access thereto and use thereof, including with regard to the availability and suitability of EU Aid Volunteers, thus enabling the continued participation of returning volunteers. The processing of personal data collected in or for that database shall be carried out, where relevant, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁽²⁷⁾ and Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽²⁸⁾. [Am. 100]

Article 11

Volunteering in support of humanitarian aid operations

1. Volunteering in support of humanitarian aid operations ~~as referred to in Article 4.1, point (a)~~ shall include **a adequate learning and training component, including before the placement, linked to the projects in which young volunteers will be involved, with due emphasis on the humanitarian aid principles referred to in Article 10(2) and the ‘do no harm principle’, and it** shall not substitute traineeships or jobs and shall be based on a written volunteering agreement. [Am. 101]

1a. The EU Aid Volunteers initiative shall foster the participation of local volunteers from third countries. [Am. 102]

2. Volunteering under this strand may only take place ~~in third countries~~: [Am. 103]

(a) where humanitarian aid activities and operations take place; and

(b) where there are no ongoing international or non-international armed conflicts.

2a. On the basis of a prior assessment of the needs in third countries by sending and hosting organisations, and other relevant actors, the European Voluntary Humanitarian Aid Corps shall support actions aimed at:

(a) strengthening the hosting organisations’ capacity for humanitarian aid in third countries in order to enhance local preparedness and response to humanitarian crises and to ensure the effective and sustainable impact of the European Voluntary Humanitarian Aid Corps’ work on the ground through disaster risk management, preparedness and response, the transition from humanitarian response to sustainable local development, coaching, and training in volunteer management;

(b) the exchange of best practices, technical assistance, twinning programmes and the exchange of staff and volunteers. [Am. 104]

2b. Assessing the level of risk with regard to the safety and security of volunteers shall be a priority, in particular in countries or areas considered to be unstable or where there are immediate risks. [Am. 105]

2c. Communication campaigns on the European Solidarity Corps pertaining to the EU Aid Volunteers initiative shall be carried out primarily on the territory of the Union and shall focus on work undertaken by volunteers and humanitarian aid workers under the humanitarian aid principles of humanity, independence, neutrality and impartiality that inform their actions. [Am. 106]

2d. Volunteering shall meet the real needs and gaps identified at local level by the host organisations. [Am. 107]

⁽²⁷⁾ 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).

⁽²⁸⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

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Article 11a**Identification and selection of candidate volunteers**

1. *On the basis of a prior assessment of needs in third countries, the Commission shall identify and select candidate volunteers for training in cooperation with national agencies and host organisations.*
2. *The identification and selection of candidate volunteers shall be carried out in accordance with Article 14, respecting the principles of non-discrimination, gender equality and equal opportunities.*
3. *The age limits referred to in Articles 2 and 15 shall not apply to volunteering in support of humanitarian aid operations under this Article. [Am. 108]*

Article 11b**Training of candidate volunteers**

1. *Building on existing programmes and procedures, the Commission shall establish a training programme to prepare candidate volunteers to support and complement humanitarian aid actions.*
2. *Candidate volunteers who have been identified and selected in accordance with the application procedure shall be eligible to participate in the training programme implemented by qualified organisations. The individual scope and content of the training to be undertaken by each volunteer candidate shall be determined in consultation with the certified host organisation according to needs, taking into account the previous experience of the volunteer candidate and the planned volunteering location.*
3. *The training programme shall include an assessment of the readiness of candidate volunteers to be seconded to support and complement humanitarian aid activities in third countries, as well as to meet local needs. [Am. 109]*

CHAPTER V

FINANCIAL PROVISIONS

Article 12

Budget

1. *The financial envelope for the implementation of the Programme for the period 2021-2027 shall be EUR 1 112 988 000 in 2018 prices [EUR 1 260 000 000 in current prices]. [Am. 110]*
2. *The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems. **An adequate amount of the budget shall also be dedicated to the exchange of best practices among Member States and the development of youth networks.** [Am. 111]*
 - 2a. *The Commission shall adopt delegated acts in accordance with Article 29 to amend this Regulation to allow for flexibility and adaptation of the indicative budgetary breakdown by activities under Article 12a. The delegated acts adopted under this Article shall reflect the new political priorities by readjusting the breakdown respecting a maximum margin of 20 %. [Am. 112]*
3. *Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.*

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4. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with [point (a) of Article 62.1] of the Financial Regulation or indirectly in accordance with [point (c) of that Article]. Where possible those resources shall be used for the benefit of the Member State concerned.

Article 12a

Breakdown of the budget dedicated to activities under Articles 7, 8, 9 and 11

The indicative breakdown of the budget dedicated to activities under Articles 7, 8, 9 and 11 shall be as follows:

- (a) for volunteering in solidarity activities and solidarity projects, as specified in Articles 7 and 9: 86 %;*
- (b) for traineeships and jobs, as specified in Article 8: 8 %; and*
- (c) for volunteering in support of humanitarian aid operations, as specified in Article 11: 6 %. [Am. 113]*

Article 13

Forms of EU funding and methods of implementation

1. The Programme shall be implemented in a consistent manner in direct management in accordance with the Financial Regulation and in indirect management with bodies referred to in Article [62.1, point (c)] of the Financial Regulation.
2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. ***In order to simplify requirements for beneficiaries, lump sums, unit costs and flat-rate funding shall be used to the maximum possible extent.*** [Am. 114]
3. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X of] Regulation XXX [successor of the Regulation on the Guarantee Fund] shall apply.
4. For selections under both direct and indirect management, the evaluation committee may be composed of external experts.

CHAPTER VI

PARTICIPATION IN THE EUROPEAN SOLIDARITY CORPS

Article 14

Participating countries

1. Volunteering, traineeships, jobs, solidarity projects, networking activities and quality and support measures as referred to in Articles 5, 7, 8, 9 and 11 shall be open to the participation of the Member States and overseas countries and territories.
2. Volunteering, networking activities and quality and support measures as referred to in Articles 5 and 7 shall also be open to the participation of:
 - (a) members of the European Free Trade Association, which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the European Economic Area agreement;
 - (b) acceding countries, candidates and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;

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- (c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
- (d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:
- ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
 - lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;
 - does not confer to the third country a decisional power on the programme;
 - guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.
3. The countries referred to in paragraph 2 shall fully take part in the Programme only insofar as they fulfil all the obligations which this Regulation imposes on Member States.

3a. The financial contributions made by and expected from third countries to the Programme shall, once sufficient information is available, be reported to both arms of the budgetary authority as part of the annual or interim reporting of the Programme. [Am. 115]

4. Volunteering and networking actions as referred to in Articles 5 and 7 may be open to participation of any third country not associated to the programme, in particular neighbourhood countries.

Article 15

Participation of individuals

1. Young people aged 17 to 30 years willing to participate in the European Solidarity Corps shall register in the European Solidarity Corps Portal. However, at the moment of commencing volunteering, traineeship, job or a solidarity project a young person shall be at least 18 years of age and not older than 30.

1a. Participants moving to another country shall be guaranteed the full health care they enjoy in their Member State of residence, not merely urgent health care. Health care shall be provided both through the public health services of the Member State in which the activity is carried out and, in the absence of such services or in the event of a clear case of non-compliance with the quality standards of the Member State of residence, through private health services in the Member State in which the activity is carried out. [Am. 116]

1b. When implementing this Regulation, the Commission, the Member States and other participating countries shall promote social inclusion and equal access conditions, including for the participation of young people with fewer opportunities. [Am. 117]

Article 16

Participating organisations

1. The European Solidarity Corps shall be open to the participation of public or private entities, **whether non-profit or profit making**, and international organisations, **including youth organisations, religious institutions, charity associations, secular humanistic organisations, NGOs or other actors from civil society**, provided that they offer solidarity activities, that they have legal personality under the law of the country in which they are registered and provided that they have received a European Solidarity Corps quality label. **The quality label shall certify that the activities can meet the objectives under Article 3 and provide the actions under Article 4. [Am. 118]**

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2. An application from an entity to become a European Solidarity Corps participating organisation shall be assessed by the competent implementing body of the European Solidarity Corps on the basis of the principles of equal treatment; equal opportunities and non-discrimination; avoidance of job substitution; provision of high quality, **easily accessible and inclusive** activities with **clear added value for identified community needs**, a learning dimension focusing on personal, socio-educational and professional development; adequate training, working and volunteering arrangements; safe and decent environment and conditions; and the 'no-profit principle' in compliance with the Financial Regulation. The above principles ascertain whether its activities meet the requirements **and objectives** of the European Solidarity Corps. **The quality label shall only be attributed to organisations committing to comply with these principles.** [Am. 119]

3. As a result of the assessment the entity may be attributed the European Solidarity Corps quality label. **The specific requirements to be fulfilled in order to obtain a quality label shall vary depending on the type of solidarity activity and the function of the entity.** The obtained label shall be re-assessed periodically and ~~may~~ **in the event that the label is misused or of failure to comply with the principles set out in paragraph 2, the label shall** be revoked. **Any entity which substantially changes its activities shall inform the competent implementing body for reassessment.** [Am. 120]

4. Any entity which has received the European Solidarity Corps quality label shall be given access to the European Solidarity Corps Portal in the role of a host function, in a support function, or both, and shall be able to make offers for solidarity activities to registered candidates.

4a. Participating organisations that have been attributed a quality label shall have access to a platform to easily search for suitable applicants in order to make the process easier for both participants and participating organisations to engage in solidarity activities. [Am. 121]

4b. Participating organisations shall facilitate the promotion of the Programme by offering former participants the possibility to share their experiences and act as ambassadors to the potential next generation of participants in the Programme by means of a network. [Am. 122]

5. The European Solidarity Corps quality label shall not automatically lead to funding under the European Solidarity Corps.

5a. Participating organisations shall perform several functions in the framework of the European Solidarity Corps. In a host function they shall carry out activities related to making offers for solidarity activities to registered participants, selecting and receiving the participants, including the organisation of activities, providing guidance and support to participants during all the phases of the solidarity activity, providing a safe and convenient working environment for participants, and providing feedback to the participant after the activity, as appropriate. In a support function they shall carry out activities in relation to the sending, the preparation and the support of participants before departure, and during and after the solidarity activity, including training participants and guiding them to local organisations after the activity. Organisations in a support function can also provide administrative and logistical support to participants in solidarity projects. [Am. 123]

6. The solidarity activities and related quality and support measures offered by a participating organisation may receive funding under the European Solidarity Corps or from other funding sources which do not depend on the Union budget.

7. For organisations participating in the context of activities as referred to in Article 11 the safety and security of volunteers shall be a priority.

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Article 17

Access to the European Solidarity Corps funding

Any public or private entity established in a participating country as well as international organisations may apply for funding under the European Solidarity Corps. In the case of the activities referred to in Articles 7, 8 and 11, a quality label shall be obtained by the participating organisation as a pre-condition for receiving funding under the European Solidarity Corps. In the case of the solidarity projects referred to Article 9, natural persons may also apply for funding on behalf of informal groups of European Solidarity Corps participants. **As a general rule, the grant request shall be submitted to the national agency of the country in which the organisation is based. Grant requests for activities organised by Europe-wide or international organisations, activities of volunteering teams in priority fields identified at European level and activities in support of humanitarian aid operations in third countries shall be submitted to the EACEA.** [Am. 124]

CHAPTER VII

PROGRAMMING, MONITORING AND EVALUATION

Article 18

~~Work~~ Annual work programme [Am. 125]

The secondary policy choices and priorities, including details of specific actions outlined in Articles 4 to 11, shall be determined on an annual basis through a work programme as referred to in Article [110] of the Financial Regulation. The annual work programme shall also set out details concerning the implementation of the Programme. In addition, the work programme shall give an indication of the amount allocated to each action and of the distribution of funds between the Member States and third countries associated to the Programme for the actions to be managed through the national agency. The Commission is empowered to adopt delegated acts in accordance with Article 29 to supplement this Regulation by adopting annual work programmes. [Am. 126]

The Programme shall be implemented by work programmes referred to in [Article 110] of the Financial Regulation. In addition, the work programme shall give an indication of the amount allocated to each action and of the distribution of funds between the Member States and third countries associated to the Programme for the actions to be managed through the national agency. The work programme shall be adopted by the Commission by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30.

Article 19

Monitoring and reporting

1. Indicators to report on the progress of the Programme towards the achievement of the general and specific objectives laid down in Article 3 are set out in the Annex.
2. To ensure effective assessment of the Programme towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the Annex to review or complement the indicators, where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.
3. The performance reporting system shall ensure that data for monitoring Programme implementation and evaluation are collected efficiently, effectively, in a timely manner and at the appropriate level of detail by beneficiaries of Union funds within the meaning of Article [2.5] of the Financial Regulation. To that end, proportionate reporting requirements shall be imposed on beneficiaries of Union funds and Member States.

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Article 20

Evaluation

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. The ~~interim evaluation~~ **mid-term review** of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, ~~but~~. **The Commission shall submit the mid-term review to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions** no later than ~~four years after the start of the programme implementation~~ **30 June 2024**. It shall also be accompanied by a final evaluation of the predecessor programme. [Am. 127]
3. Without prejudice to the requirements set out in Chapter IX and the obligations of national agencies as referred to in Article 23, Member States shall submit to the Commission, by 30 April 2024, a report on the implementation and the impact of the Programme in their respective territories.

3a. The Commission shall, where necessary and on the basis of the mid-term review and implementation reports submitted by Member States, submit legislative proposals for the amendment of this Regulation. The Commission shall appear before the competent committees of the European Parliament to report on the mid-term review, including with respect to its decision as to whether it is necessary to amend this Regulation. [Am. 128]
4. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.
5. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

CHAPTER VIII

INFORMATION, COMMUNICATION AND DISSEMINATION

Article 21

Information, communication and dissemination

1. The recipients of Union funding shall acknowledge the origin **thereof** and ensure the visibility of the Union funding, (in particular when promoting the actions and their results,) by providing **prompt**, coherent, effective and proportionate targeted information to multiple audiences, including, the media and the public. [Am. 129]
2. The Commission, **in cooperation with national authorities and national agencies in participating countries and relevant Union-level networks**, shall implement information and communication actions relating to the Programme, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3. [Am. 130]
3. The national agencies referred to in Article 23 shall develop a consistent strategy with regard to **information and** the effective outreach, as well as dissemination **to all potential beneficiaries** and exploitation of results of activities supported under the actions they manage within the Programme, shall assist the Commission in its general task of disseminating information concerning the Programme, including information in respect of actions and activities managed at national and Union level, and its results, and shall inform relevant target groups about the actions and activities undertaken in their country. [Am. 131]

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3a. Participating organisations shall use the brand name ‘European Solidarity Corps’ for the purposes of communication and dissemination of information related to the Programme. [Am. 132]

CHAPTER IX
MANAGEMENT AND AUDIT SYSTEM

Article 22
National authority

In each country participating in the European Solidarity Corps, the national authorities designated for the management of actions referred to in Chapter III of [New Erasmus Regulation] shall also act as national authorities in the framework of the European Solidarity Corps. Paragraphs 1, 2, 6, 7, 9, 10, 11, 12, 13 and 14 of Article 23 of [New Erasmus Regulation] shall apply to the European Solidarity Corps by analogy.

Article 23
National agency

1. In each country participating in the European Solidarity Corps, the national agencies designated for the management of the actions referred to in Chapter III of [New Erasmus Regulation] in their respective countries shall also act as national agencies in the framework of the European Solidarity Corps.

Paragraphs 1, 2, 3, 4, 5 and 6 of Article 24 of [New Erasmus Regulation] shall apply to the European Solidarity Corps by analogy.

2. Without prejudice to Article 24.2 of [New Erasmus Regulation], the national agency shall also be responsible for managing all stages of the project lifecycle of those actions of the European Solidarity Corps listed in the implementing acts referred to in Article 18, in accordance with points [(c)(v) and (vi) of Article 62.1] of the Financial Regulation.

3. For countries referred to in Article 14.2 of this Regulation, where a national agency is not designated for that country, it shall be established in accordance with paragraphs 1, 3, 4, 5 and 6 of Article 24 of [New Erasmus Regulation].

3a. The national agency shall regularly consult the beneficiaries of the Programme (individuals and organisations) in order to collect their feedback on the Programme, to assess the quality of the activity, and how the activity evolves, on the basis of Commission guidelines and shall provide support to participants in the event of difficulties and in order to improve the implementation of the Programme at national level based on their feedback and expertise. [Am. 133]

Article 24
European Commission

1. The rules applying to the relationship between the Commission and a national agency shall be laid down, in accordance with the rules in Article 24 of [New Erasmus Regulation], in a written document which shall:

- (a) lay down the internal control standards for the national agency concerned and the rules for the management of the Union funds for grant support by the national agencies, **taking into consideration the simplification requirements and not imposing additional burden on participants and participating organisations; [Am. 134]**
- (b) include the national agency work programme comprising the management tasks of the national agency to which Union support is provided;

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(ba) include the requirement to organise regular meetings and training with and for the network of national agencies in order to ensure the coherent implementation of the Programme across all participating countries; [Am. 135]

(c) specify the reporting requirements for the national agency.

1a. The Commission shall organise regular meetings on the implementation of the Programme with a representative number and type of networks representing young people and volunteers and other relevant civil society organisations, including social partners and networks relevant to the Programme's activities. [Am. 136]

2. The Commission shall each year make the following funds available to the national agency:

(a) funds for grant support in the participating country concerned for the actions of the European Solidarity Corps the management of which is entrusted to the national agency;

(b) a financial contribution in support of the management tasks of the national agency defined in accordance with the modalities set out in point (b) of Article 25.3 of [New Erasmus Regulation].

3. The Commission shall lay down the requirements for the national agency work programme. The Commission shall not make European Solidarity Corps funds available to the national agency before having formally approved the national agency's work programme.

4. On the basis of the compliance requirements for national agencies referred to in Article 23.3 of [New Erasmus Regulation], the Commission shall review the national management and control systems, the national agency's management declaration and the opinion of the independent audit body thereon, taking due account of the information provided by the national authority on its monitoring and supervision activities with regard to the European Solidarity Corps.

5. After assessing the yearly management declaration and the opinion of the independent audit body thereon, the Commission shall address its opinion and observations to the national agency and the national authority.

5a. Where the Commission cannot accept the yearly management declaration or the independent audit opinion thereon, or in the event of unsatisfactory implementation by the national agency of the Commission's observations, the Commission may implement any precautionary and corrective measures necessary to safeguard the Union's financial interests in accordance with point (c) of Article 131(3) of the Financial Regulation. [Am. 137]

Article 24a

Education, Audiovisual and Culture Executive Agency

At Union level, the EACEA shall be responsible for managing all stages of the grant for the Programme's project actions, as listed in Article 7, submitted by Europe-wide or platform organisations, for activities of volunteering teams in priority fields identified at European level and activities in support of humanitarian aid operations in third countries.

EACEA shall also be responsible for the accreditation (i.e. quality label) and monitoring of Europe-wide or platform organisations, organisations in charge of implementing national schemes or Union shared management funds and organisations wishing to carry out activities supporting humanitarian aid operations. [Am. 138]

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Article 25

Audits

1. Audits on the use of the Union contribution carried out by persons or entities, including by others than those mandated by the Union Institutions or bodies, shall form the basis of the overall assurance pursuant to [Article [127] of the Financial Regulation **and shall be carried out in accordance with the same criteria in all Member States.** [Am. 139]
2. The national authority shall designate an independent audit body. The independent audit body shall issue an audit opinion on the management declaration referred to in [Article 155.1] of the Financial Regulation.
3. The independent audit body shall:
 - (a) have the necessary professional competence to carry out public sector audits;
 - (b) ensure that its audits take account of internationally accepted audit standards; and
 - (c) not be in a position of conflict of interest with regard to the legal entity of which the national agency referred to in Article 23 forms part and be independent, in terms of its functions, of the legal entity of which the national agency forms part.
4. The independent audit body shall give the Commission and its representatives, as well as the Court of Auditors, full access to all documents and reports in support of the audit opinion that it issues on the national agency's management declaration.

CHAPTER X

CONTROL SYSTEM

Article 26

Principles of the control system

1. The Commission shall be responsible for the supervisory controls with regard to the European Solidarity Corps actions managed by the national agencies. It shall set the minimum requirements for the controls by the national agency and the independent audit body.
2. National agencies shall be responsible for the primary controls of grant beneficiaries for the actions of the European Solidarity Corps which are entrusted to them. Those controls shall **be proportionate and adequate and shall** give reasonable assurance that the grants awarded are used as intended and in compliance with the applicable Union rules. [Am. 140]
3. With regard to the funds transferred to the national agencies, the Commission shall ensure proper coordination of its controls with the national authorities and the national agencies, on the basis of the single audit principle and following a risk-based analysis. This provision shall not apply to investigations carried out by the European Anti-Fraud Office ('OLAF').

Article 27

Protection of the financial interests of the Union

Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).

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CHAPTER XI
COMPLEMENTARITY

Article 28

Complementarity of Union action

1. The actions of the European Solidarity Corps shall be consistent with and complementary to the relevant policies, instruments and programmes at Union level, in particular the Erasmus programme, **the European Structural and Investment Funds (ESIF) and Rights and Values Programme**, as well as to existing networks at Union level relevant to the activities of the European Solidarity Corps. [Am. 141]

2. The actions of the European Solidarity Corps shall ~~also~~ **not substitute and shall** be consistent with and complementary to the relevant policies, programmes and instruments at national, **regional and local** level in the participating countries. To this end, the Commission, national authorities and national agencies shall exchange information on existing national schemes and priorities related to solidarity and youth, on the one hand, and actions under the European Solidarity Corps, on the other hand, with a view to build on relevant good practices and achieve efficiency and effectiveness. [Am. 142]

2a. In order to maximise the effectiveness of Union funding and the impact of the Programme, the relevant authorities at all levels shall seek to establish synergies across all relevant programmes in a coherent manner. Such synergies shall not lead to funds being used to pursue objectives other than those set out in this Regulation. Any synergies and complementarity shall result in simplified application procedures at the implementation level accompanied by relevant implementation guidelines. [Am. 143]

3. The actions of the European Solidarity Corps in third countries referred to in Article 11 shall be in particular consistent with and complementary to other areas of Union external action, in particular humanitarian aid policy, development cooperation policy, **security policy**, enlargement policy, neighbourhood policy and the Union Civil Protection Mechanism. [Am. 144]

4. An action that has received a contribution from the Programme may also receive a contribution from any other Union programme, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

5. Where the Programme and the European Structural and Investment (ESI) Funds referred to in Article 1 of [Regulation (EU)XX CPR] provide jointly financial support to a single action, that action shall be implemented in accordance with the rules set out in this Regulation, including rules on recovery of amounts unduly paid.

6. Actions eligible under the Programme which have been assessed in a call for proposals under the Programme and which comply with the minimum quality requirements of that call for proposals, but which are not financed due to budgetary constraints, may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 7 of Article [65] of Regulation (EU) XX [Common Provisions Regulation] and Article [8] or Regulation (EU) XX [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

CHAPTER XII
TRANSITIONAL AND FINAL PROVISIONS

Article 29

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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2. The power to adopt delegated acts referred to in ~~Article~~ **Articles 12, 18 and 19** shall be conferred on the Commission for the duration of the Programme. [**Am. 145**]
3. The delegation of power referred to in ~~Article~~ **Articles 12, 18 and 19** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. [**Am. 146**]
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to ~~Article~~ **Articles 12, 18 and 19** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. [**Am. 147**]

Article 30

Committee procedure

1. The Commission shall be assisted by a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 31

Repeal

Regulation (EU) [European Solidarity Corps Regulation] and Regulation (EU) No 375/2014 are repealed with effect from 1 January 2021.

Article 32

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under [European Solidarity Corps Regulation] or under Regulation (EU) No 375/2014. Those Regulations shall continue to apply to those actions until their closure.
2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under [European Solidarity Corps Regulation] or under Regulation (EU) No 375/2014.
3. If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 12.2, to enable the management of actions and activities not completed by 31 December 2027.
4. Member States shall ensure at national level the unimpeded transition between the actions carried out in the context of the European Solidarity Corps Programme (2018-2020) and those to be implemented under this Programme.

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Article 33

Entry into force

This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament

The President

For the Council

The President

Tuesday 12 March 2019

ANNEX

~~Indicators for monitoring and reporting~~ *The Programme shall be closely monitored in order to measure the extent to which the general objective and the specific objectives have been achieved, as well as to monitor its output, results and impact. To that end, a minimum framework of indicators is laid down to serve as a basis for a future detailed programme for monitoring the output, results and impact of the Programme, including an extended set of qualitative and quantitative indicators: [Am. 148]*

- (a) number of participants in solidarity activities;
 - (b) percentage of participants from a fewer opportunities background; ~~and~~ [Am. 149]
 - (c) number of organisations holding a European Solidarity Corps Quality Label. ; [Am. 150]
 - (ca) number of participants in jobs (in-country and cross-border) broken down by country, age, gender, professional background and educational attainment; [Am. 151]*
 - (cb) number of participants in solidarity projects broken down by country, age, gender, professional background and educational attainment; [Am. 152]*
 - (cc) number of organisations whose quality label has been revoked; [Am. 153]*
 - (cd) number of organisations holding a quality label broken down by country and funding received; [Am. 154]*
 - (ce) number of participating young people with fewer opportunities; [Am. 155]*
 - (cf) number of participants reporting positive learning outcomes; [Am. 156]*
 - (cg) percentage of participants whose learning outcomes have been recognised through a certificate such as Youthpass, or another type of formal recognition of their participation in the European Solidarity Corps; [Am. 157]*
 - (ch) overall satisfaction rate of participants with regard to the quality of activities; and [Am. 158]*
 - (ci) number of people supported directly or indirectly through solidarity activities. [Am. 159]*
-

Tuesday 12 March 2019

P8_TA(2019)0151

EU Cybersecurity Act ***I

European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council on ENISA, the ‘EU Cybersecurity Agency’, and repealing Regulation (EU) No 526/2013, and on Information and Communication Technology cybersecurity certification (‘Cybersecurity Act’) (COM(2017)0477 — C8-0310/2017 — 2017/0225(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/43)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0477),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0310/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 14 February 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 31 January 2018 ⁽²⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 December 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 the Internal Market and Consumer Protection, the Committee on Budgets and the Committee on Civil Liberties, Justice and Home Affairs (A8-0264/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 227, 28.6.2018, p. 86.

⁽²⁾ OJ C 176, 23.5.2018, p. 29.

Tuesday 12 March 2019

P8_TC1-COD(2017)0225

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/881.)

Tuesday 12 March 2019

P8_TA(2019)0152

Unfair trading practices in business-to-business relationships in the food supply chain *I**

European Parliament legislative resolution of 12 March 2019 on the proposal for a directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain (COM(2018)0173 — C8-0139/2018 — 2018/0082(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/44)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0173),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0139/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 19 September 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 4 July 2018 ⁽²⁾
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 January 2019 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 Agriculture and Rural Development and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Development and the Committee on the Environment, Public Health and Food Safety (A8-0309/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution;
 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.

⁽¹⁾ OJ C 440, 6.12.2018, p. 165.

⁽²⁾ OJ C 387, 25.10.2018, p. 48.

Tuesday 12 March 2019

P8_TC1-COD(2018)0082

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the agricultural and food supply chain

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/633.)

Tuesday 12 March 2019

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament on buying alliances

The European Parliament, while acknowledging the possible role played by alliances of buyers in creating economic efficiencies in the agricultural and food supply chain, stresses that the current lack of information does not allow for an evaluation of the economic effects of such alliances of buyers on the functioning of the supply chain.

In this regard, the European Parliament calls on the Commission to launch without delay an in-depth analysis on the extent and effects of these national and international buying alliances on the economic functioning of the agricultural and food supply chain.

Joint statement by the European Parliament, the Council and the Commission on transparency of the agricultural and food markets

The European Parliament, the Council and the Commission stress that the transparency of agricultural and food markets is a key element of a well-functioning agricultural and food supply chain, in order to better inform the choices of economic operators and public authorities as well as to facilitate the understanding of operators on market developments. The Commission is encouraged to continue its ongoing work to enhance market transparency at EU level. This may include the strengthening of the work on EU market observatories and improving the collection of statistical data necessary for the analysis of price formation mechanisms along the agricultural and food supply chain.

Tuesday 12 March 2019

P8_TA(2019)0153

European citizens' initiative *I****European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council on the European citizens' initiative (COM(2017)0482 — C8-0308/2017 — 2017/0220(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/45)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0482),
 - having regard to Article 294(2) and Article 24 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0308/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 March 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 23 March 2018 ⁽²⁾,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 December 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 Constitutional Affairs and the opinions of the Committee on Culture and Education and the Committee on Petitions (A8-0226/2018),
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)0220**Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on the European citizens' initiative***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/788.)*

⁽¹⁾ OJ C 237, 6.7.2018, p. 74.⁽²⁾ OJ C 247, 13.7.2018, p. 62.

Tuesday 12 March 2019

P8_TA(2019)0154

Import of cultural goods *I**

European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council on the import of cultural goods (COM(2017)0375 — C8-0227/2017 — 2017/0158(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/46)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0375),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0227/2017),
 - 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 committees responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 December 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Culture and Education and the Committee on Civil Liberties, Justice and Home Affairs (A8-0308/2018),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 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)0158

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on the introduction and the import of cultural goods

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/880.)

⁽¹⁾ This position replaces the amendments adopted on 25 October 2018 (Texts adopted, P8_TA(2018)0418)

Tuesday 12 March 2019

P8_TA(2019)0155

Protection of personal data in the context of elections to the European Parliament *I**

European Parliament legislative resolution of 12 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament (COM(2018)0636 — C8-0413/2018 — 2018/0336(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/47)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0636),
 - having regard to Article 294(2) and Article 224 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0413/2018),
 - having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,
 - 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 12 December 2018 ⁽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 25 January 2019 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 Constitutional Affairs and also the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0435/2018),
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(2018)0336

Position of the European Parliament adopted at first reading on 12 March 2019 with a view to the adoption of Regulation (EU, Euratom) 2019/... of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU, Euratom) 2019/493.)

⁽¹⁾ OJ C 110, 22.3.2019, p. 72.

Wednesday 13 March 2019

P8_TA(2019)0159

Non-objection to a delegated act: exemption of the Bank of England from the pre- and post-trade transparency requirements in Regulation (EU) No 600/2014

European Parliament decision to raise no objections to the Commission delegated regulation of 30 January 2019 amending Delegated Regulation (EU) 2017/1799 as regards the exemption of the Bank of England from the pre- and post-trade transparency requirements in Regulation (EU) No 600/2014 (C(2019)00793 — 2019/2546(DEA))

(2021/C 23/48)

The European Parliament,

- having regard to the Commission delegated regulation (C(2019)00793),
 - having regard to the Commission's letter of 30 January 2019 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 21 February 2019,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012⁽¹⁾, and in particular Articles 1(9) and 50 (5) thereof,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
- A. whereas the amending delegated act contains important amendments to ensure that the Bank of England will continue to benefit from the existing exemption in accordance with Article 1(9) of Regulation (EU) No 600/2014, after a status change of the United Kingdom to a third country;
- B. whereas Parliament recognises the importance of a swift adoption of this act in order to ensure the preparedness of the European Union in the event of the United Kingdom withdrawing from the Union without a withdrawal agreement;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 173, 12.6.2014, p. 84.

Wednesday 13 March 2019

P8_TA(2019)0160

Non-objection to a delegated act amending Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to the list of exempted entities**European Parliament decision to raise no objections to the Commission delegated regulation of 30 January 2019 amending Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to the list of exempted entities (C(2019)00794 — 2019/2547(DEA))**

(2021/C 23/49)

The European Parliament,

- having regard to the Commission delegated regulation (C(2019)00794),
 - having regard to the Commission's letter of 30 January 2019 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 21 February 2019,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse, and in particular Articles 2(4) and 30(5) thereof⁽¹⁾,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
- A. whereas the delegated act contains important amendments to ensure that the United Kingdom central bank and public bodies charged with, or intervening in, the management of the public debt will be exempted from the reporting obligation under Article 4 and the reuse transparency requirements under Article 15 of Regulation (EU) 2015/2365;
- B. whereas Parliament recognises the importance of a swift adoption of this act in order to ensure the preparedness of the European Union in the event of a withdrawal of the United Kingdom from the Union without a withdrawal agreement;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 337, 23.12.2015, p. 1.

Wednesday 13 March 2019

P8_TA(2019)0161

Non-objection to a delegated act amending Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the list of exempted entities

European Parliament decision to raise no objections to the Commission delegated regulation of 30 January 2019 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the list of exempted entities (C(2019)00791 — 2019/2549(DEA))

(2021/C 23/50)

The European Parliament,

- having regard to the Commission delegated regulation (C(2019)00791),
 - having regard to the Commission's letter of 30 January 2019 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 21 February 2019,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories⁽¹⁾, and in particular Articles 1(6) and 82(6) thereof,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
- A. whereas the delegated act contains important amendments to ensure that the United Kingdom central bank and public bodies charged with or intervening in the management of the public debt will be exempted from the clearing and reporting requirements and the requirement to apply risk-mitigation techniques to non-cleared transactions laid down in Regulation (EU) No 648/2012;
- B. whereas Parliament recognises the importance of a swift adoption of this act in order to ensure the preparedness of the European Union in the event of a withdrawal of the United Kingdom from the Union without a withdrawal agreement;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

Wednesday 13 March 2019

P8_TA(2019)0162

Non-objection to a delegated act: exemption of the Bank of England and the United Kingdom Debt Management Office from the scope of Regulation (EU) No 596/2014**European Parliament decision to raise no objections to the Commission delegated regulation of 30 January 2019 amending Delegated Regulation (EU) 2016/522 as regards the exemption of the Bank of England and the United Kingdom Debt Management Office from the scope of Regulation (EU) No 596/2014 (C(2019)00792 — 2019/2550(DEA))**

(2021/C 23/51)

The European Parliament,

- having regard to the Commission delegated regulation (C(2019)00792),
 - having regard to the Commission's letter of 30 January 2019 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 21 February 2019,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC⁽¹⁾, and in particular Articles 6(5) and 35(5) thereof,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
- A. whereas the amending delegated act contains important amendments to ensure that the Bank of England and United Kingdom Debt Management Office will continue to benefit from the existing exemption in accordance with Article 6(1) of Regulation (EU) No 596/2014 after a status change of the United Kingdom to that of a third country;
- B. whereas Parliament recognises the importance of a swift adoption of this act in order to ensure the preparedness of the European Union in the event of a withdrawal of the United Kingdom from the Union without a withdrawal agreement;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 173, 12.6.2014, p. 1.

Wednesday 13 March 2019

P8_TA(2019)0163

Non-objection to a delegated act: possibility to adjust the average daily number of transactions for a share where the trading venue with the highest turnover of that share is located outside the Union

European Parliament decision to raise no objections to the Commission delegated regulation of 13 February 2019 amending Delegated Regulation (EU) 2017/588 as regards the possibility to adjust the average daily number of transactions for a share where the trading venue with the highest turnover of that share is located outside the Union (C(2019)00904 — 2019/2579(DEA))

(2021/C 23/52)

The European Parliament,

- having regard to the Commission delegated regulation (C(2019)00904),
 - having regard to the Commission's letter of 21 February 2019 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Economic and Monetary Affairs to the Chair of the Conference of Committee Chairs of 4 March 2019,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU⁽¹⁾, and in particular Article 49(3) thereof,
 - having regard to Articles 10(1) and 13 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC⁽²⁾,
 - having regard to the draft regulatory technical standards on the 'amendment to Commission Delegated Regulation (EU) 2017/588 (RTS 11)' submitted by the European Securities and Markets Authority on 8 November 2018 pursuant to Article 49(3) of Directive 2014/65/EU,
 - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
 - having regard to Rule 105(6) of its Rules of Procedure,
- A. whereas the delegated act contains important amendments to preserve the competitiveness of EU trading venues that offer trading in those shares that are admitted to trading or are traded in the Union and a third country concurrently, and where the trading venue with the highest turnover in those shares is located outside the Union;
- B. whereas Parliament recognises the importance of a swift adoption of this act in order to ensure the preparedness of the European Union in the event of a withdrawal of the United Kingdom from the Union without a withdrawal agreement;
- C. whereas Parliament considers that the RTS adopted is not 'the same' as the draft RTS submitted by the European Securities and Markets Authority due to the Commission's changes that were introduced in this draft, and considers that it has three months to object to the RTS (scrutiny period); whereas Parliament urges the Commission to indicate the one-month scrutiny period only in cases where the Commission has adopted the drafts of the European Supervisory Agencies without changes, i.e. where the draft and the adopted regulatory technical standards are 'the same';

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ OJ L 331, 15.12.2010, p. 84.

Wednesday 13 March 2019

1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.
-

Wednesday 13 March 2019

P8_TA(2019)0165

Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 428/2009 by granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland (COM(2018)0891 — C8-0513/2018 — 2018/0435(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/53)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0891),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0513/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 6 March 2019 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 International Trade and the opinion of the Committee on Foreign Affairs (A8-0071/2019),
1. Adopts its position at first reading, taking over the Commission proposal;
 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(2018)0435

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Council Regulation (EC) No 428/2009 by granting a Union general export authorisation for the export of certain dual-use items from the Union to the United Kingdom

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/496.)

Wednesday 13 March 2019

P8_TA(2019)0166

Continuation of the territorial cooperation programmes PEACE IV (Ireland-United Kingdom) and United Kingdom-Ireland (Ireland-Northern Ireland-Scotland) in the context of the UK's withdrawal from the EU *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council in order to allow for the continuation of the territorial cooperation programmes PEACE IV (Ireland-United Kingdom) and United Kingdom-Ireland (Ireland-Northern Ireland-Scotland) in the context of the withdrawal of the United Kingdom from the European Union (COM(2018)0892 — C8-0512/2018 — 2018/0432(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/54)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0892),
 - having regard to Article 294(2) and Article 178 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0512/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 20 February 2019 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A8-0021/2019),
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(2018)0432

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council in order to allow for the continuation of the territorial cooperation programmes PEACE IV (Ireland-United Kingdom) and United Kingdom-Ireland (Ireland-Northern Ireland-Scotland) in the context of the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/491.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 13 March 2019

P8_TA(2019)0167

Continuation of ongoing learning mobility activities under the Erasmus+ programme in the context of the UK's withdrawal from the EU *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council laying down provisions for the continuation of ongoing learning mobility activities under the Erasmus+ programme in the context of the withdrawal of the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') from the European Union (COM(2019)0065 — C8-0040/2019 — 2019/0030(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/55)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2019)0065),
 - having regard to Article 294(2) and Articles 165(4) and 166(4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0040/2019),
 - 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 20 February 2019 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 20 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A8-0082/2019),
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(2019)0030

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council laying down provisions for the continuation of ongoing learning mobility activities under the Erasmus+ programme established by Regulation (EU) No 1288/2013, in the context of the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/499.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 13 March 2019

P8_TA(2019)0168

Aviation safety with regard to the withdrawal of the United Kingdom from the Union *I****European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on certain aspects of aviation safety with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2018)0894 — C8-0514/2018 — 2018/0434(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/56)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0894),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0514/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 20 February 2019 ⁽¹⁾,
 - after consulting the Committee of Regions,
 - having regard to the undertaking given by the Council representative by letter of 22 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union.
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0061/2019),
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(2018)0434**Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on certain aspects of aviation safety with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/494.)*

⁽¹⁾ Not yet published in the Official Journal.

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P8_TA(2019)0169

EU-Afghanistan Cooperation Agreement on Partnership and Development ***

European Parliament legislative resolution of 13 March 2019 on the draft Council decision on the conclusion, on behalf of the Union, of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part (15093/2016 — C8-0107/2018 — 2015/0302(NLE))

(Consent)

(2021/C 23/57)

The European Parliament,

- having regard to the draft Council decision (15093/2016),
 - having regard to the draft Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part (05385/2015),
 - having regard to the request for consent submitted by the Council in accordance with Article 207, Article 209, Article 218(6), second subparagraph, point (a) and Article 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (C8-0107/2018),
 - having regard to its non-legislative resolution of 13 March 2019 ⁽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 Development (A8-0026/2019),
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 Islamic Republic of Afghanistan.

⁽¹⁾ Texts adopted, P8_TA(2019)0170.

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P8_TA(2019)0170

EU-Afghanistan Cooperation Agreement on Partnership and Development (resolution)**European Parliament non-legislative resolution of 13 March 2019 on the draft Council decision on the conclusion, on behalf of the Union, of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part (15093/2016 — C8-0107/2018 — 2015/0302M(NLE))**

(2021/C 23/58)

The European Parliament,

- having regard to draft Council decision (15093/2016),
- having regard to the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part ⁽¹⁾, signed on 18 February 2017 by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Federica Mogherini,
- having regard to the request for consent submitted by the Council on 6 February 2018 in accordance with Article 37 of the Treaty on European Union (TEU) and with Articles 207, 209, 218(6)(a), second subparagraph, and 218(8), second subparagraph, of the Treaty on the Functioning of the European Union (TFEU) (C8-0107/2018),
- having regard to its legislative resolution of 13 March 2019 on the proposal for a Council decision ⁽²⁾,
- having regard to the provisional application of the parts of the Cooperation Agreement on Partnership and Development (CAPD) under the exclusive competence of the EU as of 1 December 2017,
- having regard to its resolution of 13 June 2013 on the negotiations on an EU-Afghanistan cooperation agreement on partnership and development ⁽³⁾,
- having regard to its previous resolutions relating to Afghanistan, in particular its resolutions of 16 December 2010 on a new strategy for Afghanistan ⁽⁴⁾, of 15 December 2011 on budgetary control of EU financial assistance to Afghanistan ⁽⁵⁾, of 12 March 2014 on Pakistan's regional role and political relations with the EU ⁽⁶⁾, of 8 October 2015 on the death penalty ⁽⁷⁾, of 26 November 2015 on Afghanistan, in particular the killings in the province of Zabul ⁽⁸⁾, of 28 April 2016 on attacks on hospitals and schools as violations of international humanitarian law ⁽⁹⁾, of 5 April 2017 on addressing refugee and migrant movements: the role of EU External Action ⁽¹⁰⁾, of 13 September 2017 on EU political relations with India ⁽¹¹⁾, of 14 December 2017 on the situation in Afghanistan ⁽¹²⁾,

⁽¹⁾ OJ L 67, 14.3.2017, p. 3.

⁽²⁾ Texts adopted, P8_TA(2019)0169.

⁽³⁾ OJ C 65, 19.2.2016, p. 133.

⁽⁴⁾ OJ C 169 E, 15.6.2012, p. 108.

⁽⁵⁾ OJ C 168 E, 14.6.2013, p. 55.

⁽⁶⁾ OJ C 378, 9.11.2017, p. 73.

⁽⁷⁾ OJ C 349, 17.10.2017, p. 41.

⁽⁸⁾ OJ C 366, 27.10.2017, p. 129.

⁽⁹⁾ OJ C 66, 21.2.2018, p. 17.

⁽¹⁰⁾ OJ C 298, 23.8.2018, p. 39.

⁽¹¹⁾ OJ C 337, 20.9.2018, p. 48.

⁽¹²⁾ OJ C 369, 11.10.2018, p. 85.

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- having regard to the Council conclusions of 19 November 2018 and of 16 October 2017 on Afghanistan,
- having regard to the Joint Communication from the VP/HR and the Commission to the European Parliament and the Council of 24 July 2017 on Elements for an EU Strategy on Afghanistan (JOIN(2017)0031),
- having regard to the 2014-2020 Multi-annual Indicative Programme for Afghanistan, within the Union's Development Cooperation Instrument,
- having regard to the EU Country Roadmap for Engagement with Civil Society in Afghanistan 2018-2020,
- having regard to the closure of the European Union Police Mission in Afghanistan (EUPOL Afghanistan) in 2016,
- having regard to the report of the UN Secretary-General of 10 September 2018 entitled 'the situation in Afghanistan and its implications for international peace and security',
- having regard to the EU-Afghanistan Joint Way Forward (JWF) on migration issues, of 2 October 2016,
- having regard to UN Security Council Resolutions 2210 (2015) and 2344 (2017), and to the mandate of the UN Assistance Mission in Afghanistan (UNAMA),
- having regard to the report of the UN Special Rapporteur on the human rights of internally displaced persons of 12 April 2017 on his mission to Afghanistan,
- having regard to the request of the ICC Chief Prosecutor Fatou Bensouda of 3 November 2017 to start an investigation on the war crimes and crimes against humanity allegedly committed in Afghanistan since 1 May 2003,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the Geneva Ministerial Conference on Afghanistan of 27-28 November 2018,
- having regard to the results of the Brussels International Conference on Afghanistan of 5 October 2016, co-chaired by the European Union, and to the mutual commitments made at the international conferences on Afghanistan held in Bonn on 5 December 2011, Tokyo on 8 July 2012, and London on 4 December 2014,
- having regard to the Tashkent Conference on Afghanistan of 26-27 March 2018,
- having regard to the 'Heart of Asia' process launched in Istanbul on 2 November 2011,
- having regard to the Kabul Declaration of 22 December 2002 on good-neighbourly relations,
- having regard to the NATO-led UN mandated International Security Assistance Force (ISAF) (2003-2014) and to the conclusions of the NATO summit held in Brussels on 24-25 May 2017, with regard to the continuation of the training, advisory and assistance mission 'Resolute Support' (2014 to the present),
- having regard to Afghanistan's Humanitarian Response Plan 2018-2021,
- having regard to the Self-Reliance through Mutual Accountability Framework, agreed to at the Brussels Conference on Afghanistan of 4-5 October 2016,
- having regard to Rule 99(2) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs, the opinion of the Committee on Development and the position in the form of amendments of the Committee on International Trade (A8-0058/2019),

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- A. whereas on 10 November 2011, the Council adopted a decision authorising the Commission to negotiate a CAPD between the European Union and the Islamic Republic of Afghanistan ⁽¹⁾; whereas the CAPD has been provisionally and partly applied since 1 December 2017, before the European Parliament gave its consent;
- B. whereas on 13 January 2016, the VP/HR and the Commission presented to the Council the Joint Proposal for Council Decisions on the signing and conclusion of the CAPD, as an agreement between the European Union and Afghanistan ('EU-only');
- C. whereas while agreeing with the substance of the CAPD, Member States expressed preference for a 'mixed' agreement with provisional application, and therefore asked the Commission and the VP/HR to revise the proposals accordingly in order to take into account mixed and provisional application;
- D. whereas the CAPD was signed on 18 February 2017;
- E. whereas the CAPD will form the basis of EU-Afghan relations for the next 10 years and could be automatically extended for periods of five years;
- F. whereas Parliament has been partially but not fully informed throughout negotiations; whereas Parliament received the Council's negotiating directives for the European External Action Service (EEAS) only on 16 March 2018, rather than in November 2011 when Parliament was informed about the decision to open negotiations;
- G. whereas this legal framework builds on the current EU Strategy on Afghanistan as well as the EU's extensive external financing assistance;
- H. whereas the CAPD will be the first contractual relationship between the EU and Afghanistan, confirming the EU's commitment to Afghanistan's future development during the 'decade of transformation' (2014-2024), strengthening historical, political and economic ties between the two parties;
- I. whereas the CAPD reflects the principles and conditions on which the EU-Afghanistan future partnership will be based (Titles I and II), including the essential elements clauses on human rights and weapons of mass destruction (WMD) non-proliferation; whereas the CAPD provides for the possibility of cooperation in a broad range of areas, including development (Title III), trade and investment (Title IV), justice and the rule of law (Title V), including the fight against organised crime, money laundering and counter-narcotics, cooperation on migration and a potential future readmission agreement, and sectoral cooperation (Title VI);
- J. whereas the CAPD will also enable the EU and Afghanistan to jointly address global challenges such as nuclear security, non-proliferation and climate change;
- K. whereas Afghanistan is at a crucial point, meaning that if further efforts are not taken, then all of the effort, progress, and sacrifice so far put into the development of Afghanistan risks being lost;

⁽¹⁾ Council Decisions of 10 November 2011 (16146/11 and 16147/11).

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- L. whereas the emergence of the terrorist threat from the Daesh-linked group known as Islamic State-Khorasan Province (IS-KP) contributed significantly to further degradation of the security situation; whereas in May 2018 the Afghan Government had control of 56 % of the districts of Afghanistan and 56 % of the territory, containing 65 % of the population, with 32 % of the districts being contested and 12 % under insurgent control ⁽¹⁾, ⁽²⁾;
- M. whereas since 2002, the European Union and its Member States collectively have been the largest international donor to Afghanistan and its people, providing over EUR 3.66 billion in development and humanitarian aid; whereas according to the 2014-2020 Multi-annual Indicative Programme for Afghanistan, a new development fund of EUR 1,4 billion is allocated for the period 2014-2020; whereas Afghanistan's GDP is currently USD 20 billion and its growth rate has shrunk since 2014; and whereas the Afghan economy still faces a number of challenges such as corruption, low revenue collection, poor infrastructure and anaemic job creation;
- N. whereas since 2001, many EU Member States, NATO partners and allied countries have contributed to the stabilisation and development of Afghanistan with military and civilian resources, suffering heavy casualties and losses; whereas a stable and independent Afghanistan that can provide for itself and deny safe haven to terrorist groups is still in the vital security interests of NATO, the EU and its Member States; whereas the EU Member States still have over 3 000 military personnel in Afghanistan participating in NATO's Resolute Support mission;
- O. whereas there are 2,5 million registered refugees, and between 2 and 3 million undocumented Afghans in Iran and Pakistan; whereas there are more than 2 million internally displaced persons in Afghanistan, more than 300 000 of whom were displaced in 2018; whereas many of these individuals suffer from food insecurity, inadequate shelter, insufficient access to sanitation and health facilities and a lack of protection, and whereas many are children classified as particularly vulnerable to the risk of child labour, sexual abuse or potential recruitment to criminal groups; whereas more than 450 000 Afghan people have returned to Afghanistan or been deported from Iran since the beginning of 2018; whereas the Government of Pakistan has announced that the 1,7 million Afghan refugees registered in the country will need to be forcibly returned to Afghanistan;
- P. whereas according to the UN, corruption in Afghanistan undermines the legitimacy of the state, posing a serious threat to good governance and sustainable development by preventing 'a real economy from emerging';
- Q. whereas Afghanistan is a low-income, post-conflict and landlocked country, representing special challenges to the international community and its institutions;
- R. whereas according to the Global Adaptation Index, Afghanistan is one of the world's most vulnerable countries to climate change;
- S. whereas new threats and international crises are arising, causing the public to lose focus, support, and concern for the situation in Afghanistan;
- T. whereas an estimated 87 % of Afghan women suffer from gender-related violence; whereas Afghanistan ranks 153rd out of 160 countries on the 2017 UN Gender Inequality Index;
- U. whereas in 2017, opium cultivation in Afghanistan reached a record high, with a 63 % increase compared to 2016; whereas illicit trafficking of opiates further fuels instability and insurgency and increases funding to terrorist groups in Afghanistan;
- V. whereas for the first time the Afghan budget of 2018 adheres to international standards for projections and accounting;
- W. whereas the EU Police Mission in Afghanistan came to a close in 2016 after nine years of progress;

⁽¹⁾ EASO Country of Origin Information Report, Afghanistan Security Situation — Update, May 2018, https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan-security_situation_2018.pdf

⁽²⁾ US Special Inspector General for Afghanistan Reconstruction (SIGAR), Quarterly report to the United States Congress, 30 October 2018, <https://www.sigar.mil/pdf/quarterlyreports/2018-10-30qr.pdf>

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Politico-strategic aspects

1. Remains committed to supporting the Afghan Government in its efforts to build a secure and stable future for the people of Afghanistan by undertaking key reforms in order to improve governance and the rule of law, to fight terrorism and extremism, to achieve sustainable peace and development, to build legitimate, democratic institutions, to foster resilience in the face of the national and regional security challenges, to ensure the respect of human rights, including the rights of women, children, ethnic and religious minorities, to fight corruption, to counter narcotics, to improve fiscal sustainability and to foster inclusive and sustainable economic growth and social and rural development, providing young people, who represent two thirds of the population, with a better future; stresses that a peaceful resolution to the conflict in Afghanistan is needed and that all efforts should be directed towards that most urgent objective;
2. Underscores that the long-term development of Afghanistan will depend on accountability, good governance, the sustainable provision of human security, including the reduction of poverty and the creation of job opportunities, access to social and health services, education and the protection of fundamental freedoms and human rights, including the rights of women and minorities; stresses the need to manage affairs in a manner that ensures inclusive economic growth and favourable conditions for sustainable foreign investment that benefits the people of Afghanistan, with full respect for social, environmental and labour standards;
3. Is concerned by the fragility and instability of the central government and the lack of control it exerts in much of the country, which exacerbates the conflict's impact on the civilian population; calls on the EU and the international community to facilitate mediation in cases such as unresolved post-electoral issues;
4. Calls on the EU to assist in efforts against the long-term trend of inter-ethnic tensions that contributes to the disintegration of central power and to support the rich multi-ethnic fabric of Afghan society;
5. Emphasises its long-term support for credible, free, fair and transparent elections, in line with international standards, and expresses its support for EU election observation in the country, including observation of the 2019 presidential election; stresses that due to chronic political rivalries the result of these elections will have a tremendous impact on the future stability of the Afghan Government;
6. Emphasises the vast economic potential of the country owing to its geographical position and its human and natural resources;
7. Emphasises the EU's substantial financial and political support for Afghanistan's social and economic development, humanitarian aid and regional connectivity; urges further efforts towards joint programming between the EU and its Member States;
8. Stresses, in this regard, the need for increased EU-US policy coordination and dialogue on Afghanistan and regional issues;
9. Welcomes the Joint Communiqué adopted at the UN-hosted Geneva Ministerial Conference on Afghanistan of 27-28 November 2018, with a view to the commitments made at the 2016 Brussels Conference on Afghanistan;

Role and responsibility of regional actors

10. Recalls that Afghanistan is a landlocked country situated at the junction connecting Asia and the Middle East and recognises that support and positive co-operation from neighbouring countries and regional powers, in particular China, Iran, India, Russia and Pakistan, are essential to the stabilisation, development and economic viability of Afghanistan; regrets that a stable and successful Afghanistan is not always the end goal for these regional actors and underlines the crucial role of these countries in the stabilisation and peace process; asks neighbouring countries to refrain in future from blocking Afghan exports, as has occurred in the past;
11. Stresses that the mobility and sustained activity of terrorist networks operating in Afghanistan, and also in Pakistan, contribute to the instability of the situation in the whole region;

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12. Underlines that Afghanistan is often subject to antagonistic objectives of regional powers; urges them to fully support peace efforts in Afghanistan; supports regional cooperation forums, however is concerned at the parallel proxy involvement of some of Afghanistan's neighbours in the conflict, undermining peace efforts; calls on those neighbours to refrain from involving proxies in their rivalries in Afghanistan and urges both neighbours and regional powers to fully cooperate in order to achieve long-lasting and sustainable peace in Afghanistan;

13. Urges the EU to increase its efforts at dialogue and cooperation with regional partners to combat drug trafficking, money laundering, terrorist financing and human smuggling;

14. Emphasises the fundamental importance of infrastructure and regional development in Afghanistan in improving trade and connectivity between countries of Central and South Asia, and as a stabilising factor in the region;

15. Calls on the EU to include considerations about EU-Afghanistan cooperation in its strategies for Central and South Asia;

Security and peace building

16. Remains deeply concerned by the continuing deterioration of the security situation in Afghanistan and the ongoing territorial gains of the Taliban militants and various terrorist groups such as IS-KP, which seems to be strongly reinforced by the presence of foreign fighters; strongly condemns attacks committed by them against Afghan civilians, security forces, institutions and civil society; reiterates its full commitment to fighting all forms of terrorism and pays tribute to all coalition and Afghan forces and civilians who have paid the ultimate price for a democratic, inclusive, prosperous, secure and stable Afghanistan; notes that more than half of the anti-government attacks in 2018 were attributed to IS-KP, whose aim is to disrupt and derail the reconciliation and peace process; notes with concern that the current jihadist organisations, IS-KP, Al Qaeda and their various subsidiaries, have managed to adapt and take root, representing a major security challenge for Afghanistan, the region and Europe;

17. Emphasises the EU's continued support for the inclusive Afghan-led and Afghan-owned peace and reconciliation process, including the implementation of the peace deal agreed with Hezb-e-Islami; is ready to contribute to this with all appropriate EU instruments as soon as there is a meaningful peace process; calls on the Taliban to denounce violence, join the peace process and accept the Afghan Constitution; underlines its support for the comprehensive peace offer to the Taliban made repeatedly by the government; calls on civil society to be fully involved in those talks; recognises that the question of a long-term combined international security presence needs to be addressed in order to assist the Afghan security forces in stabilising the country and preventing it from becoming once again a safe haven for terrorist groups and a source of regional instability; calls on all parties to the conflict to respect international humanitarian law;

18. Welcomes the first ceasefire period since 2001, Eid al-Fitr, which demonstrated a widespread desire for peace among Afghans; calls on the Taliban to adhere to the calls from the Afghan President for a new ceasefire period;

19. Highlights that four decades of war and conflict, starting with the Soviet invasion of Afghanistan in 1979, led to many of the unresolved problems that Afghanistan faces today; in this regard acknowledges the role of young people and the Afghan diaspora in the process of building a more secure and better future for the country; calls on the EU to support transitional justice for the victims of the violence;

20. Notes that following the closure in December 2016 of the Common Security and Defence Policy mission EUPOL Afghanistan, providing specialised training and advice to the Afghan National Police and the Ministry of the Interior, the Union has continued its cooperation with the Afghan police through the EU's external instruments, such as that the Instrument contributing to Stability and Peace (IcSP), which also finances reconciliation actions;

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21. Notes that the ISAF mission successfully built the Afghan National Security Forces from scratch into a capable force of 352 000 soldiers and police officers with infantry, military police, intelligence, route clearance, combat support, medical, aviation and logistical capabilities, thereby combatting insurgent influence within the country;
22. Notes that ISAF created a secure environment for improving governance and economic development, which led to the largest percentage gain of any country in basic health and other development indicators; notes that the success of ISAF also led to the emergence of a vibrant media and that millions of Afghans now exercise their right to vote;
23. Further encourages NATO's Resolute Support mission to continue its training and oversight of the Afghan army; encourages the Member States to offer civilian crisis management training to the national and local governments of Afghanistan;
24. Encourages NATO and the EU to work together to gather intelligence on insurgent groups that threaten Afghanistan and jointly coordinate policy recommendations to the Afghan security forces;
25. Regrets deeply that the Taliban and other insurgent groups use the presence of the EU and the international community in Afghanistan, and the developments they have achieved, for propaganda purposes, to promote the narrative that foreign occupiers are impeding on the Afghan country and way of life; encourages the EU and the Afghan Government to counteract such propaganda;
26. Underscores the fact that combating the financing of terrorism is key to creating an environment conducive to security in Afghanistan; urges all relevant partners to enhance their efforts at dismantling all terrorist financing networks, including ending the misuse of hawala networks and international donations for this purpose, in order to fight radicalisation, extremism and the recruitment tools that Afghan terrorist organisations continue to rely upon;
27. Urges the Afghan Government to take all necessary measures to ensure that the prevention and countering of the spread of extremist ideologies be among its top priorities;
28. Supports the Afghanistan Peace and Reintegration Programme, which reintegrates members of the Taliban who surrender themselves and renounce violence back into society; applauds the UK for already having contributed over GBP 9 million;
29. Calls on the Government of Afghanistan to fully implement the UN Security Council Resolutions on Women, Peace and Security, and to ensure women's participation, protection and rights across the conflict cycle, from conflict prevention to post-conflict reconstruction;
30. Encourages the Afghan Government to develop effective chemical, biological, radiological and nuclear (CBRN) counter-measures; urges the EU to provide operational, technical and financial support for CBRN capacity building;
31. Encourages the Afghan Government to enhance its domestic control systems to counter the widespread circulation of small arms and light weapons (SALW) in line with existing international standards;

State building

32. Stresses the need for the Government of Afghanistan and the international community to step up efforts to stamp out corruption in the country, as well as to strengthen responsive and inclusive institutions and to improve local governance as critical steps in the building of a stable and legitimate state that is able to prevent conflict and insurgency; calls on the Afghan Government to enhance national capacity to recover stolen assets through programmes such as the Stolen Asset Recovery Initiative run by the World Bank Group and the UN Office on Drugs and Crime (UNODC);

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33. Calls on the Government of Afghanistan to increase political inclusiveness, strengthen accountability and actively combat corruption;

34. Stresses that the gap between the national and local governments of Afghanistan needs to be bridged; recognises that this problem could potentially be mitigated if the Afghan Government enforced the statute that requires regional governors to be present in the territories they represent;

35. Calls on the EU to ensure that EU funds are invested in projects that help the Afghan population and that adequate support is provided to municipalities in their provision of essential services and in the building of local governance, so as to ensure basic living standards for the population, to ensure coordination between central authorities and local municipalities in order to identify the priorities in which to invest, to enhance support to civil society, notably human rights defenders and, in particular, to prioritise funding for projects that support actors promoting accountability, human rights and democratic principles and that foster locally embedded dialogue and conflict resolution mechanisms;

36. Calls for the EU to continue its phasing-out plan following the closure of the EUPOL mission, which includes ensuring a sustainable transition of activities to EUPOL's local and international partners; urges all parties to continue their efforts to develop the Afghan National Police into a professional force for safety and security, strengthen all law enforcement institutions, with a particular focus on the independence of the judicial system, the police and on improving the state of Afghan prisons, as well as respecting the rights of inmates;

37. Regrets that counter-narcotics campaigns in Afghanistan have been failing and that insufficient efforts have been made to target Taliban drug labs and international organised criminal networks, which sit at the heart of drug trafficking and provide funding for the Taliban and terrorist operations; supports and endorses the Government of Afghanistan's new counter-narcotics strategy, backed by the UNODC; is concerned by the increase of opium cultivation in Afghanistan ⁽¹⁾ and calls on the Government of Afghanistan to put in place targeted policies to reverse this trend; notes that it is critical to generate tangible and sustainable alternatives to poppy production and to make these available to producers;

38. Underlines that the main sources of Taliban income are illegal mining and the production of opium; notes that it is currently estimated that the Taliban brings in revenues of EUR 200-300 million per year from illegal mining activities;

39. Calls for the addition of appropriate checks and balances and increased transparency to ensure the effectiveness of public administration, including financial management, as well as the prevention of any misuse of foreign or development aid, in line with the Paris Declaration on Aid Effectiveness;

40. Welcomes the fact that the EU signed a State Building Contract (SBC) with Afghanistan in 2016, allocating EUR 200 million over two years in budget support in order to strengthen government institutions and increase resources for development priorities such as generating economic growth, reducing poverty and fighting corruption; stresses that resources must be used effectively;

41. Notes that the SBC draws on an overall positive review of the progress made by Afghanistan on key reform areas; recognises the importance of the outlining of the goals that the SBC has put forward and the conditions for funding; further emphasises the importance of oversight and systematic monitoring to prevent misuse; underlines the importance of focus on development and stability by the Afghan Government; calls on the Commission to keep Parliament regularly informed of the implementation of the SBC and emphasises that its findings in this regard should be used to prepare the continuation of the budget support operation for the period 2018-2021;

⁽¹⁾ <https://www.unodc.org/unodc/en/frontpage/2018/May/last-years-record-opium-production-in-afghanistan-threatens-sustainable-development-latest-survey-reveals.html>

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Civil society and human rights

42. Welcomes the fact that the EU-Afghanistan CAPD emphasises dialogue on human rights issues, in particular the rights of women, children, and ethnic and religious minorities in order to ensure access to resources and support the full exercise of their fundamental rights, including through employing more women in Afghanistan's governmental structures, as well as in the security and judicial systems; calls on Afghanistan to work towards the eradication of all forms of violence and discrimination against women and girls; stresses the need to put more effort into the implementation of the CAPD provisions stated in Titles I and II;

43. Insists that the EU maintain a strong stance on implementing human rights and stresses that democratic principles, human rights, particularly the rights of women and minorities, and the rule of law are essential elements of the Agreement; insists that the EU take specific measures if the Government of Afghanistan violates essential elements of the Agreement;

44. Recalls that the EU is particularly focused on improving the conditions of women, children, disabled persons and people living in poverty, and that these groups are in special need of assistance, including in the areas of health and education;

45. Welcomes the very prominent position accorded to gender equality and related policies in the Agreement, and its strong focus on civil society development; calls for the EU to further promote equality between women and men, and women's empowerment, through its development efforts, bearing in mind that changing societal attitudes towards the socio-economic role of women calls for corresponding measures in awareness raising, education and the reform of the regulatory framework;

46. Stresses the need for protection of ethnic and religious minorities which are threatened or under attack; notes that the Shiite Hazara ethnic group is more often targeted than other groups and therefore deserves particular attention;

47. Calls for the strengthening and support of national and sub-national human rights-related institutions in Afghanistan, civil society organisations and academia; urges international counterparts to encourage closer cooperation and engagement with these Afghan partners;

48. Supports the efforts of the ICC to ensure accountability for the war crimes and crimes against humanity allegedly committed since May 2003;

49. Is concerned about the growing number of more violent and deliberate attacks on health facilities and health workers and the targeting of civilian infrastructure; urges all parties to respect their obligations under international human rights law and international humanitarian law, to prevent attacks against civilians and civilian infrastructure;

50. Calls on the Afghan Government to introduce an immediate moratorium on the use of the death penalty as a step towards abolition;

Development and trade

51. Recognises that the end goal of EU aid to Afghanistan is to help the country's government and economy eradicate poverty and develop to a state of independence and growth with internal development and regional cooperation through external trade and sustainable public investment, in order to diminish over-reliance on foreign aid, by contributing to the social, economic and environmental development of Afghanistan;

52. Notes that Afghanistan is one of the world's largest recipients of development aid and that EU institutions committed EUR 3.6 billion in aid to the country between 2002 and 2016; regrets the fact that the proportion of Afghans living in poverty has risen from 38 % (2012) to 55 % (2017) and highlights the fact that the country has registered slow growth since 2014 with the drawdown of international security forces, accompanying reductions in international grants and a deteriorating security situation;

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53. Stresses the need to address the high rate of unemployment and fight poverty in order to work towards achieving peace and stability in the country;
54. Emphasises that more job opportunities outside of farming and working for the government are needed in order to prevent young men from being recruited to the Taliban and other insurgent networks;
55. Welcomes the 2016 Afghanistan National Peace and Development Framework (ANPDF) and the Self-Reliance through Mutual Accountability Framework (SMAF) adopted by the Afghan Government; calls for the EU and its Member States to continue supporting, through the CAPD, Afghan-owned development priorities in line with development effectiveness principles;
56. Calls on the VP/HR and the Commission to evaluate all EU measures in Afghanistan on a regular basis by using explicit qualitative and quantitative indicators, especially with regard to development aid, good governance including the justice sector, respect for human rights and security; calls in this context also for an evaluation of the relative impact of EU measures on the overall situation in the country and the level of coordination and cooperation between EU actors and other international missions and measures, for the findings and recommendations to be published and reported on to Parliament;
57. Regrets the fact that despite significant injections of foreign aid, the impact has been limited; invites the European Court of Auditors to draw up a special report on the effectiveness of EU assistance to Afghanistan over the last decade;
58. Encourages the EU and other international agencies involved in the development of Afghanistan to work with the Afghan media to ensure the strategic communication of development efforts, their sources, purposes and impacts, to the Afghan people;
59. Recalls that there is currently a lack of civilian experts in Afghanistan; encourages the EU and its Member States to employ and properly train civilian experts in key areas crucial to economic development and counter-narcotics to assist and train Afghan officials and locals;
60. Underlines the need to support Afghanistan's system of education to increase the number of children following school classes at all levels;
61. Welcomes the fact that school enrolment has increased tenfold since 2001, with girls making up 39 % of pupils;
62. Urges that particular attention be paid to the young generation and calls for the full use of programmes such as Erasmus+ and Horizon 2020 to establish links between educational institutions, academia, research sectors and small and medium-sized enterprises (SMEs);
63. Supports EU and Member State actions contributing to the Afghanistan Reconstruction Trust Fund, which is co-managed by the World Bank and the Ministry of Finance of Afghanistan and works to deliver basic critical services with a specific focus on health and education;
64. Welcomes Afghanistan's accession to the WTO in 2016 and recognises the added value that trade and foreign direct investment will bring to Afghanistan's future; recognises the positive role that WTO membership could have on the integration of Afghanistan into the world economy;
65. Notes that following the country's accession to the WTO in 2016, which increased Afghanistan's ties to the global economy, the EU granted Afghanistan duty free and quota free access to the EU market, but recognises that further concrete measures are needed in order to allow the private sector to take advantage of this regime and as such increase its internal development;

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66. Stresses that Afghan authorities should develop a sustainable economic model with the principle of redistribution at its core; calls on the EU to support Afghanistan in its environmental development and energy transition, since provisions for clean and sustainable energy are essential to accelerate the implementation of the Sustainable Development Goals;

67. Underlines that further efforts are need in order to increase the capacity of government institutions to formulate and implement trade strategies and policies, improve cross-border movement of goods and enhance the quality of products to meet international standards;

68. Calls for the enhancement of business-to-business relations between EU-based companies and the Afghan private sector; encourages the implementation of favourable conditions for SME development;

69. Supports and welcomes any development programme launched by the EU, an individual Member State or any member of the international community, which has as its goal assisting small business owners and entrepreneurs in navigating legal costs, regulations, and other barriers to production that would otherwise act to discourage businesses from entering the market and/or growing within the market;

70. Recognises that mineral reserves in Afghanistan provide an economic opportunity for the country to generate revenue and jobs; notes that China has shown interest in these mineral reserves, with a particular emphasis on rare earth elements;

Migration

71. Recognises that migration is an ongoing challenge for Afghanistan which presents issues for neighbouring countries and EU Member States; is concerned about the unprecedented numbers of returning migrants mainly from Pakistan and Iran, and to a lesser extent from Europe; recognises that issues relating to internally displaced persons and refugees are a result of the threat of violence from insurgent groups in Afghanistan, as well as economic and environmental factors; stresses that efforts by the EU and the international community should be focused on preventing the root causes of mass migration; welcomes the Afghan national return management strategy; is concerned, however, about the lack of standing integration policies of the Afghan authorities to manage the present returnees; is convinced that proper reintegration of returnees, especially of children, who must be guaranteed access to primary and secondary education, is crucial to ensure stability in the country and that people who have returned have not been subject to violence or coercion during return procedures;

72. Underlines the fact that according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 5,5 million people are in need of humanitarian aid in Afghanistan, including internally displaced people following conflict or drought, and emphasises that drought has led to the forced displacement of more than 250 000 people in the north and west of the country; notes that the Humanitarian Response Plan is only 33,5 % funded and urges the EU and its Member States, therefore, to step up their endeavours to address key humanitarian challenges and human needs and to pay particular attention to vulnerable people, including those located in areas that are hard to reach;

73. Regrets the fact that in spite of Article 28(4) of the CAPD, which states that the Parties should conclude a readmission agreement, no formal agreement has been achieved, but an informal one — the Joint Way Forward; deems it important that any agreements regarding readmission should be formalised in order to ensure democratic accountability; regrets the lack of parliamentary oversight and democratic control on the conclusion of the Joint Way Forward and stresses the importance of conducting continuous dialogue with the relevant actors in order to find a sustainable solution to the regional dimension of the issue of Afghan refugees;

74. Regrets the migration wave from Afghanistan to the West, especially of the educated and the young, due to the lack of prospects in the country; underlines the EU assistance to improve Afghan emigrants' lives disbursed in Pakistan and Iran; calls on those countries not to expel those persons, which could have a deeply negative effect on the stability and economy of Afghanistan; urges that the return of refugees to their homes be organised in a safe, orderly and voluntary manner;

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75. Applauds the Commission for establishing a major project in 2016 to better reintegrate returning migrants into Afghanistan, Bangladesh, and Pakistan with EUR 72 million earmarked specifically for Afghanistan between 2016 and 2020;

76. Emphasises that EU development assistance to Afghanistan should not be seen exclusively through the prism of migration and the objectives of border management, and considers that development aid should address the root causes of migration effectively;

Sectoral cooperation

77. Urges the Commission to present comprehensive strategies for each sector with the aim of ensuring widespread development in all areas of cooperation with Afghanistan;

78. Calls for efforts to put the EU's experience in capacity building and public administration and civil service reform to good use; highlights the urgent need to improve governance in the field of taxation; calls for support for civil society organisations, in full respect of their different ethnic, religious, social or political background;

79. Underlines the fact that agriculture provides 50 % of the income of Afghanistan's population and a quarter of its GDP; notes that the EU is committed to spending EUR 1,4 billion 2014 and 2020 on developmental projects in rural areas; further notes that these projects are crucial to ensuring that farmers do not move towards the black economy;

80. Notes that 80 % of the Afghan population engages in subsistence agriculture in an environment hostile to agriculture, with poor irrigation methods; supports enhancing efforts to ensure food security;

81. Notes with concern the current drought in Afghanistan, which is the worst in decades and threatens people, livestock and agriculture; is further concerned about frequent natural disasters such as flash floods, earthquakes, landslides and harsh winters;

82. Notes with concern that harm to agricultural products such as wheat can lead to displacement, poverty, starvation, and in some cases movements to the black market, and that three million people are at extremely high risk of food security and loss of livelihood;

83. Recognises that moving more of the value chain of food processing back into Afghanistan could increase income for families, increase food security, decrease food costs and provide more employment opportunities;

84. Encourages the EU to continue its efforts at improving healthcare in Afghanistan and stresses the importance of vaccination for all people, but especially those who are particularly vulnerable to illness, such as children;

85. Welcomes the fact that primary access to healthcare has increased from 9 % to more than 57 %, that life expectancy has increased from 44 to 60 and that these improvements were made possible by contributions from the EU, individual Member States and the international community; recognises, in the light of these achievements, that still more needs to be done to continue to raise the life expectancy and lower the mortality rate of women giving birth, as well as of newly born children;

86. Strongly condemns the corrupt practices in the Afghan healthcare system, such as the importation of illegal pharmaceuticals, and urges the EU to continue to apply pressure on the Afghan Government to do more to prevent such corrupt practices;

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87. Reiterates the need for trained medical professionals within Afghanistan and encourages the EU and its Member States to continue to bring in medical professionals to train local doctors and medics;

88. Notes that human trafficking and migrant smuggling causes harm on all sides, particularly to Afghan society; calls for the swift implementation of existing agreements, including on exchange of information, in order to dismantle the transnational criminal networks which benefit from instability and weak institutions;

Implementation of the CAPD

89. Welcomes the CAPD as the first contractual relationship between the EU and Afghanistan;

90. Notes that the CAPD provides the basis for developing relationships in various areas such as the rule of law, health, rural development, education, science and technology, anti-corruption, money laundering, the financing of terrorism, organised crime and narcotics, migration, nuclear security, WMD non-proliferation and climate change;

91. Welcomes the establishment of the joint cooperation bodies at executive level, with an emphasis on holding regular dialogues on political issues including human rights, in particular the rights of women and children, which are essential elements of this agreement, and addressing challenges and creating opportunities for a stronger partnership;

92. Expresses concern that the CAPD lacks provisions on joint parliamentary scrutiny of its implementation; promotes the role of the European Parliament, the parliaments of the Member States and the Afghan Parliament in monitoring the implementation of the CAPD;

93. Takes note of the replacement of the EU Special Representative for Afghanistan by a Special Envoy as of September 2017, streamlined within the EEAS structure;

94. Regrets that the Council proceeded with a decision on provisional application in areas which are subject to Parliament's consent, notably the chapter on cooperation in trade and investment matters, which fall within the exclusive competences of the EU, rather than requesting ratification early in the process, prior to taking this step; considers that this decision runs counter to the principle of sincere cooperation enshrined in Article 4(3) of the TEU and undermines Parliament's legal rights and responsibilities;

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95. Instructs its President to forward this resolution to the Council, the Commission, the VP/HR, the EU Special Envoy for Afghanistan, the governments and parliaments of the Member States, and the Government and Parliament of the Islamic Republic of Afghanistan.

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P8_TA(2019)0171

Participation of Norway, Iceland, Switzerland and Liechtenstein in eu-LISA ***

European Parliament legislative resolution of 13 March 2019 on the draft Council decision on the conclusion, on behalf of the Union, of the Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (15832/2018 — C8-0035/2019 — 2018/0316(NLE))

(Consent)

(2021/C 23/59)

The European Parliament,

- having regard to the draft Council decision (15832/2018),
 - having regard to the draft arrangement between the European Union and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein (12367/2018),
 - having regard to the request for consent submitted by the Council in accordance with Articles 74, 77(2)(a) and (b), 78(2)(e), 79(2)(c), 82(1)(d), 85(1), 87(2)(a) and 88(2) and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0035/2018),
 - 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 Civil Liberties, Justice and Home Affairs (A8-0081/2019),
1. Gives its consent to conclusion of the arrangement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein.
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P8_TA(2019)0173

Accessibility requirements for products and services *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (COM(2015)0615 — C8-0387/2015 — 2015/0278(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/60)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0615),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0387/2015),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 May 2016 ⁽¹⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 December 2018 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 39 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs, the Committee on Transport and Tourism, the Committee on Culture and Education, the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A8-0188/2017),
1. Adopts its position at first reading hereinafter set out ⁽²⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0278

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on the accessibility requirements for products and services

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/882).

⁽¹⁾ OJ C 303, 19.8.2016, p. 103.

⁽²⁾ This position replaces the amendments adopted on 14 September 2017 (Texts adopted, P8_TA(2017)0347).

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P8_TA(2019)0174

Visa Information System ***I

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA (COM(2018)0302 — C8-0185/2018 — 2018/0152(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/61)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0302),
 - having regard to Article 294(2) and Article 16(2), Article 77(2)(a), (b), (d) and (e), Article 78(2)(d), (e) and (g), Article 79(2)(c) and (d), Article 87(2)(a) and Article 88(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0185/2018),
 - 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 report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0078/2019),
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(2018)0152

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council *reforming the Visa Information System by amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and repealing Decision 2004/512/EC and repealing Council Decision 2008/633/JHA [Am. 1]*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 16(2), Article 77(2)(a) (b), (d) and (e), Article 78(2)(d),(e) and (g), Article 79(2)(c), and (d), Article 87(2)(a) and Article 88(2)(a),

Having regard to the proposal from the European Commission,

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The Visa Information System (VIS) was established by Council Decision 2004/512/EC ⁽⁴⁾ to serve as the technology solution to exchange visa data between Member States. Regulation (EC) No 767/2008 of the European Parliament and of the Council ⁽⁵⁾ laid down the VIS purpose, functionalities and responsibilities, as well as the conditions and procedures for the exchange of short-stay visa data between Member States to facilitate the examination of short-stay visa applications and related decisions. Regulation (EC) No 810/2009 of the European Parliament and of the Council ⁽⁶⁾ set out the rules on the registration of biometric identifiers in the VIS. Council Decision 2008/633/JHA ⁽⁷⁾ laid down the conditions under which Member States' designated authorities and Europol may obtain access to consult the VIS for the purposes of preventing, detecting and investigating terrorist offences and other serious criminal offences. **The VIS started operations on 11 October 2011 ⁽⁸⁾ and was gradually rolled out in all Member States' consulates around the world between October 2011 and February 2016. [Am. 2]**
- (2) The overall objectives of the VIS are to improve the implementation of the common visa policy, consular cooperation and consultation between central visa authorities by facilitating the exchange of data between Member States on applications and on the decisions relating thereto, in order to: facilitate the visa application procedure; prevent 'visa shopping'; facilitate the fight against identity fraud; facilitate checks at external border crossing points and within the Member States' territory; assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States; facilitate the application of the Regulation (EU) No 604/2013 of the European Parliament and of the Council ⁽⁹⁾ and contribute to the prevention of threats to the internal security of any of the Member States.
- (3) The Communication of the Commission of 6 April 2016 entitled 'Stronger and Smarter Information Systems for Borders and Security' ⁽¹⁰⁾ outlined the need for the EU to strengthen and improve its IT systems, data architecture and information exchange in the area of border management, law enforcement and counter-terrorism and emphasised the need to improve the interoperability of IT systems. The Communication also identified a need to address information gaps, including on third country nationals holding a long-stay visa **given that Article 21 of the Convention implementing the Schengen Agreement provides a right to free movement within the territory of the States parties to the Agreement for a period of not more than 90 days in any 180 days, by instituting the mutual recognition of the residence permits and long-stay visas issued by these States. The Commission therefore**

⁽¹⁾ OJ C , , p. .

⁽²⁾ OJ C , , p. .

⁽³⁾ Position of the European Parliament of 13 March 2019.

⁽⁴⁾ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa information System (VIS) (OJ L 213, 15.6.2004, p. 5).

⁽⁵⁾ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the ~~exchange~~ **exchange** of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁽⁶⁾ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

⁽⁷⁾ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

⁽⁸⁾ **Commission Implementing Decision 2011/636/EU of 21 September 2011 determining the date from which the Visa Information System (VIS) is to start operations in a first region (OJ L 249, 27.9.2011, p. 18).**

⁽⁹⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

⁽¹⁰⁾ COM(2016)0205.

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conducted two studies: the first feasibility study⁽¹¹⁾ concluded that developing a repository would be technically feasible and that re-using the VIS structure would be the best technical option, whereas the second study⁽¹²⁾ conducted an analysis of necessity and proportionality and concluded that it would be necessary and proportionate to extend the scope of VIS to include the documents mentioned above. [Am. 3]

- (4) ~~The Council endorsed a Roadmap to enhance information exchange and information management⁽¹³⁾ on 10 June 2016. In order to address the existing information gap in the documents issued to third-country nationals, the Council invited the Commission to assess the establishment of a central repository of residence permits and long-stay visas issued by Member States, to store information on these documents, including on expiry dates and on their possible withdrawal. Article 21 of the Convention implementing the Schengen Agreement provides a right to free movement within the territory of the states party to the Agreement for a period of not more than 90 days in any 180 days, by instituting the mutual recognition of the residence permits and long stay visas issued by these States. [Am. 4]~~
- (5) ~~In Council Conclusions of 9 June 2017 on the way forward to improve information exchange and ensure the interoperability of EU information systems⁽¹⁴⁾, the Council acknowledged that new measures might be needed in order to fill the current information gaps for border management and law enforcement, in relation to border crossings by holders of long-stay visas and residence permits. The Council invited the Commission to undertake a feasibility study as a matter of priority for the establishment of a central EU repository containing information on long-stay visas and residence permits. On this basis, the Commission conducted two studies: the first feasibility study⁽¹⁵⁾ concluded that developing a repository would be technically feasible and that re-using the VIS structure would be the best technical option, whereas the second study⁽¹⁶⁾ conducted an analysis of necessity and proportionality and concluded that it would be necessary and proportionate to extend the scope of VIS to include the documents mentioned above. [Am. 5]~~
- (6) The Communication of the Commission of 27 September 2017 on the 'Delivery of the European Agenda on Migration'⁽¹⁷⁾ stated that the EU's common visa policy is not only an essential element to facilitate tourism and business, but also a key tool to prevent security risks and risks of irregular migration to the EU. The Communication acknowledged the need to further adapt the common visa policy to current challenges, taking into account new IT solutions and balancing the benefits of facilitated visa travel with improved migration, security and border management. The Communication stated that the VIS legal framework would be revised, with the aim of further improving the visa processing, including on data protection related aspects and access for law enforcement authorities, further expanding the use of the VIS for new categories and uses of data and to make full use of the interoperability instruments.
- (7) The Communication of the Commission of 14 March 2018 on adapting the common visa policy to new challenges⁽¹⁸⁾ reaffirmed that the VIS legal framework would be revised, as part of a broader process of reflection on the interoperability of information systems.

(11) *"Integrated Border Management (IBM) — Feasibility Study to include in a repository documents for Long-Stay visas, Residence and Local Border Traffic Permits" (2017).*

(12) *"Legal analysis on the necessity and proportionality of extending the scope of the Visa Information System (VIS) to include data on long stay visas and residence documents" (2018).*

(13) *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area (9268/1/16 REV 1).*

(14) *Council Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems (10151/17).*

(15) *"Integrated Border Management (IBM) — Feasibility Study to include in a repository documents for Long-Stay visas, Residence and Local Border Traffic Permits" (2017).*

(16) *"Legal analysis on the necessity and proportionality of extending the scope of the Visa Information System (VIS) to include data on long stay visas and residence documents" (2018).*

(17) COM(2017)0558, p. 15.

(18) COM(2018)0251.

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- (8) When adopting Regulation (EC) No 810/2009, it was recognised that the issue of the sufficient reliability for identification and verification purposes of fingerprints of children under the age of 12 and, in particular, how fingerprints evolve with age, would have to be addressed at a later stage, on the basis of the results of a study carried out under the responsibility of the Commission. A study⁽¹⁹⁾ carried out in 2013 by the Joint Research Centre concluded that fingerprint recognition of children aged between 6 and 12 years is achievable with a satisfactory level of accuracy under certain conditions. A second study⁽²⁰⁾ confirmed this finding in December 2017 and provided further insight into the effect of aging over fingerprint quality. On this basis, the Commission conducted in 2017 a further study looking into the necessity and proportionality of lowering the fingerprinting age for children in the visa procedure to 6 years. This study⁽²¹⁾ found that lowering the fingerprinting age would contribute to better achieving the VIS objectives, in particular in relation to the facilitation of the fight against identity fraud, facilitation of checks at external border crossing points, and could bring additional benefits by strengthening the prevention and fight against children's rights abuses, in particular by enabling the identification/verification of identity of third-country national (TCN) children who are found in Schengen territory in a situation where their rights may be or have been violated (e.g. child victims of trafficking in human beings, missing children and unaccompanied minors applying for asylum). **At the same time, children are a particularly vulnerable group and collecting special categories of data, such as fingerprints, from them should be subject to stricter safeguards and a limitation of the purposes for which these data may be used to situations where it is in the child's best interests, including by limiting the retention period for data storage. The second study also identified that fingerprints of persons above 70 years of age are of low quality and medium accuracy. The Commission and Member States should cooperate in exchanging best practices and address those shortcomings.** [Am. 6]
- (9) The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation. The child's well-being, safety and security and the views of the child shall be taken into consideration and given due weight in accordance with his or her age and maturity. The VIS is in particular relevant where there is a risk of a child being a victim of trafficking.
- (10) The personal data provided by the applicant for a short-stay visa should be processed by the VIS to assess whether the entry of the applicant in the Union could pose a threat to the public security ~~or to public health~~ in the Union and also assess the risk of irregular migration of the applicant. As regards third country nationals who obtained a long stay visa or a residence permit, these checks should be limited to contributing to assess the identity of the document holder, the authenticity and the validity of the long-stay visa or residence permit as well as whether the entry of the third country national in the Union could pose a threat to public security ~~or to public health~~ in the Union. They should not interfere with any decision on long-stay visas or residence permits. [Am. 7]
- (11) The ~~assessment~~ **assessment** of such risks cannot be carried out without processing the personal data related to the person's identity, travel document, and, as the case may be, sponsor or, if the applicant is minor, identity of the responsible person. Each item of personal data in the applications should be compared with the data present in a record, file or alert registered in an information system (the Schengen Information System (SIS), the Visa Information System (VIS), the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD), the Entry/Exit System (EES), the Eurodac, ~~the ECRIS-TCN system as far as convictions related to terrorist offences or other forms of serious criminal offences are concerned and/or the Interpol Travel Documents Associated with Notices database (Interpol TDAWN))~~ or against the ~~watchlists~~ **ETIAS watchlist**, or against specific risk indicators. The categories of personal data that should be used for comparison should be limited to the categories of data present in the queried information systems, the watchlist or the specific risk indicators. [Am. 8]
- (12) Interoperability between EU information systems was established by [Regulation (EU) XX on interoperability (**borders and visas**)] ~~so that these EU information systems and their data supplement each other~~ with a view to improving the management of the external borders, contributing to preventing and combating illegal migration and

⁽¹⁹⁾ Fingerprint Recognition for Children (2013 — EUR 26193).

⁽²⁰⁾ 'Automatic fingerprint recognition: from children to elderly' (2018 — JRC).

⁽²¹⁾ "Feasibility and implications of lowering the fingerprinting age for children and on storing a scanned copy of the visa applicant's travel document in the Visa Information System (VIS)" (2018).

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ensuring a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding the security in the territories of the Member States. [Am. 9. This amendment applies throughout the text]

- (13) The interoperability between the EU information systems allows systems ~~to supplement each other~~ to facilitate the correct identification of persons, contribute to fighting identity fraud, improve and harmonise data quality requirements of the respective EU information systems, facilitate the technical and operational implementation by Member States of existing ~~and future~~ EU information systems, strengthen, **harmonise** and simplify the data security and data protection safeguards that govern the respective EU information systems, streamline the **controlled** law enforcement access to the EES, the VIS, the [ETIAS] and Eurodac, and support the purposes of the EES, the VIS, the [ETIAS], Eurodac, the SIS and the [ECRIS-TCN system]. [Am. 10]
- (14) The interoperability components cover the EES, the VIS, the [ETIAS], Eurodac, the SIS, and the [ECRIS-TCN system], and Europol data to enable it to be queried simultaneously with these EU information systems and therefore it is appropriate to use these components for the purpose of carrying out the automated checks and when accessing the VIS for law enforcement purposes. The European search portal (ESP) should be used for this purpose to enable a fast, seamless, efficient, systematic and controlled access to the EU information systems, the Europol data and the Interpol databases needed to perform their tasks, in accordance with their access rights, and to support the objectives of the VIS. [Am. 11]
- (15) The comparison against other databases should be automated. Whenever such comparison reveals that a correspondence (a 'hit') exists with any of the personal data or combination thereof in the applications and a record, file or alert in the above information systems, or with personal data in the watchlist, the application should be, **where the hit cannot be automatically confirmed by VIS**, processed manually by an operator in the responsible authority. **Depending on the type of data triggering the hit, the hit should be assessed either by consulates or by a national single point of contact, with the latter being responsible for hits generated in particular by law enforcement databases or systems.** The assessment performed by the responsible authority should lead to the decision to issue or not the short-stay visa. [Am. 12]
- (16) Refusal of an application for a short-stay visa should not be based only on the automated processing of personal data in the applications.
- (17) Applicants who have been refused a short-stay visa on the basis of an information resulted from VIS processing should have the right to appeal. Appeals should be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State. Existing safeguards and rules on appeal in Regulation (EC) No 767/2008 should apply.
- (18) Specific risk indicators corresponding to previously identified security, irregular migration or ~~public health risk~~ **high epidemic risks** should be used to analyse the application file for a short stay visa. The criteria used for defining the specific risk indicators should in no circumstances be based solely on a person's sex or age. They shall in no circumstances be based on information revealing a person's race, colour, ethnic or social origin, genetic features, language, political or any other opinions, religion or ~~philosophical~~ **philosophical** belief, trade union membership, membership of a national minority, property, birth, disability or sexual orientation. [Am. 13]
- (19) The continuous emergence of new forms of security ~~threats~~ **risks**, new patterns of irregular migration and ~~public health threats~~ **high epidemic risks** requires effective responses and needs to be countered with modern means. Since these means entail the processing of important amounts of personal data, appropriate safeguards should be introduced to keep the interference with the rights to respect for private and family life and to the personal data limited to what is necessary **and proportionate** in a democratic society. [Am. 14]
- (20) It should be ensured that at least a similar level of checks is applied to applicants for a short-stay visa, or third country nationals who obtained a long stay visa or a residence permit, as for visa free third country nationals. To this end a watchlist is also established with information related to persons who are suspected of having committed an act

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of serious crime or terrorism, or regarding whom there are factual indications or reasonable grounds to believe that they will commit an act of serious crime or terrorism should be used for verifications in respect of these categories of third country nationals as well.

- (21) In order to fulfil their obligation under the Convention implementing the Schengen Agreement, international carriers should ~~be able to~~ verify whether or not third country nationals holding a short-stay visa, a long stay visa or a residence permit are in possession of the required valid travel documents **by sending a query to VIS**. This verification should be made possible through the daily extraction of VIS data into a separate read-only database allowing the extraction of a minimum necessary subset of data to enable a query leading to an ok/not ok answer. **The application file itself should not be accessible to carriers. The technical specifications for accessing VIS through the carrier gateway should limit the impact on passenger travel and carriers to the extent possible. For this purpose, integration with the EES and ETIAS should be considered.** [Am. 15]
- (21a) **With a view to limiting the impact of the obligations set out in this Regulation on international carriers transporting groups overland by coach, user-friendly mobile solutions should be made available.** [Am. 16]
- (21b) **Within two years following the start of application of this Regulation, the appropriateness, compatibility and coherence of provisions referred to in Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders for the purposes of the VIS provisions for overland transport by coaches should be assessed by the Commission. The recent evolution of overland transport by coaches should be taken into account. The need for amending provisions concerning overland transport by coaches referred to in Article 26 of that Convention or this Regulation should be considered.** [Am. 17]
- (22) This Regulation should define the authorities of the Member States which may be authorised to have access to the VIS to enter, amend, delete or consult data on long stay visas and residence permits for the specific purposes set out in the VIS for this category of documents and their holders, and to the extent necessary for the performance of their tasks.
- (23) Any processing of VIS data on long stay visas and residence permits should be proportionate to the objectives pursued and necessary for the performance of tasks of the competent authorities. When using the VIS, the competent authorities should ensure that the human dignity and integrity of the person, whose data are requested, are respected and should not discriminate against persons on grounds of sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- (23a) **Biometric data, which in the context of this Regulation entails fingerprints and facial images are unique and therefore much more reliable than alphanumeric data for the purposes of identifying a person. However, biometric data constitute sensitive personal data. This Regulation thus lays down the basis and safeguards for processing such data for the purpose of uniquely identifying the persons concerned.** [Am. 18]
- (24) It is imperative that law enforcement authorities have the most up-to-date information if they are to perform their tasks in the fight against terrorist offences and other serious criminal offences. Access of law enforcement authorities of the Member States and of Europol to VIS has been established by Council Decision 2008/633/JHA. The content of this Decision should be integrated into the VIS Regulation, to bring it in line with the current treaty framework.
- (25) Access to VIS data for law enforcement purpose has already proven its usefulness in identifying people who died violently or for helping investigators to make substantial progress in cases related to trafficking in human beings, terrorism or drug trafficking. Therefore, the data in the VIS related to long stays should also be available to the designated authorities of the Member States and the European Police Office ('Europol'), subject to the conditions set out in this Regulation.
- (26) Given that Europol plays a key role with respect to cooperation between Member States' authorities in the field of cross-border crime investigation in supporting Union-wide crime prevention, analyses and investigation. Europol's

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current access to the VIS within the framework of its tasks should be codified and streamlined, taking also into account recent developments of the legal framework such as Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽²²⁾.

- (27) Access to the VIS for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences constitutes an interference with the fundamental rights to respect for private and family life and to the protection of personal data of persons whose personal data are processed in the VIS. Any such interference must be in accordance with the law, which must be formulated with sufficient precision to allow individuals to adjust their conduct and it must protect individuals against arbitrariness and indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise. Any interference must be necessary in a democratic society to protect a legitimate and proportionate interest and proportionate to the legitimate objective to achieve.
- (28) [Regulation 2018/XX on interoperability (***borders and visas***)] provides the possibility for a Member State police authority which has been so empowered by national legislative measures, to identify a person with the biometric data of that person taken during an identity check. However specific circumstances may exist where identification of a person is necessary in the interest of that person. Such cases include situations where the person was found after having gone missing, been abducted or having been identified as victim of trafficking. In such cases ***alone***, quick access for law enforcement authorities to VIS data to enable a fast and reliable identification of the person, without the need to fulfill all the preconditions and additional safeguards for law enforcement access, should be provided. [**Am. 19**]
- (29) Comparisons of data on the basis of a latent fingerprint, which is the dactyloscopic trace which may be found at a crime scene, is fundamental in the field of police cooperation. The possibility to compare a latent fingerprint with the fingerprint data which is stored in the VIS in cases where there are reasonable grounds for believing that the perpetrator or victim may be registered in the VIS ***and after prior search under Council Decision 2008/615/JHA*** ⁽²³⁾ should provide the law enforcement authorities of the Member States with a very valuable tool in preventing, detecting or investigating terrorist offences or other serious criminal offences, when for example the only evidence at a crime scene are latent fingerprints. [**Am. 20**]
- (30) It is necessary to designate the competent authorities of the Member States as well as the central access point through which the requests for access to VIS data are made and to keep a list of the operating units within the designated authorities that are authorised to request such access for the specific purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.
- (31) Requests for access to data stored in the Central System should be made by the operating units within the designated authorities to the central access point and should be justified. The operating units within the designated authorities that are authorised to request access to VIS data should not act as a verifying authority. The central access points should act independently of the designated authorities and should be responsible for ensuring, in an independent manner, strict compliance with the conditions for access as established in this Regulation. In exceptional cases of urgency, where early access is necessary to respond to a specific and actual threat related to terrorist offences or other serious criminal offences, the central access point should be able to process the request immediately and only carry out the verification afterwards.
- (32) To protect personal data and to exclude systematic searches by law enforcement, the processing of VIS data should only take place in specific cases and when it is necessary for the purposes of preventing, detecting or investigating terrorist offences or other serious criminal offences. The designated authorities and Europol should only request access to the VIS when they have reasonable grounds to believe that such access will provide information that will substantially assist them in preventing, detecting or investigating a terrorist offence or other serious criminal offence ***and after prior search under Decision 2008/615/JHA***. [**Am. 21**]

⁽²²⁾ 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 (OJ L 135, 24.5.2016, p. 53).

⁽²³⁾ **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** (OJ L 210, 6.8.2008, p. 1).

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- (32a) *As a general practice, Member States' end-users carry out searches in relevant national data bases prior or in parallel to querying European databases. [Am. 22]*
- (33) The personal data of holders of long stay ~~documents~~ **visas** stored in the VIS should be kept for no longer than is necessary for the purposes of the VIS. It is appropriate to keep the data related to third country nationals for a period of five years in order to enable data to be taken into account for the assessment of short-stay visa applications, to enable detection of overstay after the end of the validity period and in order to conduct security assessments of third country nationals who obtained them. The data on previous uses of a document could facilitate the issuance of future short stay visas. A shorter storage period would not be sufficient for ensuring the stated purposes. The data should be erased after a period of five years, unless there are grounds to erase them earlier. **[Am. 23]**
- (34) Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁴⁾ applies to the processing of personal data by the Member States in application of this Regulation. Processing of personal data by law enforcement authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is governed by Directive (EU) 2016/680 of the European Parliament and of the Council ⁽²⁵⁾.
- (35) Members of the European Border and Coast Guard (EBCG) teams, ~~as well as teams of staff involved in return related tasks~~ are entitled by Regulation (EU) 2016/1624 of the European Parliament and the Council to consult European databases where necessary for fulfilling operational tasks specified in the operational plan on border checks, border surveillance and return, under the authority of the host Member State. ~~For the purpose of facilitating that consultation and enabling the teams an effective access to the data entered in VIS, the ECBGA should be given access to VIS.~~ Such access should follow the conditions and limitations of access applicable to the Member States' authorities competent under each specific purpose for which VIS data can be consulted. **[Am. 24]**
- (36) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council ⁽²⁶⁾, is an essential component of the comprehensive efforts to tackle irregular migration and represents an important reason of substantial public interest.
- (37) ~~The third countries of return are often not subject to adequacy decisions adopted by the Commission under Article 45 of~~ **Personal data obtained by a Member State pursuant to this** Regulation (EU) 2016/679 ~~or under national provisions adopted to transpose Article 36 of Directive (EU) 2016/680. Furthermore, the extensive efforts of the Union in cooperating with the main countries of origin of illegally staying third-country nationals subject to an obligation to return has not been able to ensure the systematic fulfilment by such~~ **should not be transferred or made available to any third country, international organisation or private entity** ~~countries of the obligation established by~~ **in or outside the Union. As an exception to that rule, however, it should be possible to transfer such personal data to a third country or to an** international law to readmit their own nationals. Readmission agreements, ~~concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the~~ **organisation where such a** transfer of data to third countries **is subject to strict conditions and necessary in individual cases in order to assist with the identification of a third-country national in relation to his or her return. In the absence of an adequacy decision by means of implementing act** pursuant to Article 46 of Regulation (EU) 2016/679 ~~or to the national provisions adopted to transpose Article 37 of Directive (EU) 2016/680, cover~~

⁽²⁴⁾ 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).

⁽²⁵⁾ Directive (EU) 2016/680 of the European parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data 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 (OJ L 119, 4.5.2016, p. 89).

⁽²⁶⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

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a limited number of such third countries and conclusion of any new agreement remains uncertain. In such situations, personal data could be processed **of appropriate safeguards to which transfers are subject** pursuant to this **that** Regulation with third-country authorities, **it should be possible to exceptionally transfer**, for the purposes of implementing the return policy of the Union provided that the conditions laid down in Article 49(1)(d) of, **VIS data to a third country or to an international organisation, only where it is necessary for important reasons of public interest as referred to in that** Regulation (EU) 2016/679 or in the national provisions transposing Article 38 or 39 of Directive (EU) 2016/680 are met. **[Am. 25]**

- (38) Member States should make available relevant personal data processed in the VIS, in accordance with the applicable data protection rules and where required in individual cases for carrying out tasks under Regulation (EU) .../... of the European Parliament and the Council⁽²⁷⁾, [Union Resettlement Framework Regulation], to the [European Union Asylum Agency] and relevant international bodies such as the United Nations High Commissioner for Refugees, the International Organisation on Migration and to the International Committee of the Red Cross refugee and resettlement operations; in relation to third-country nationals or stateless persons referred by them to Member States in the implementation of Regulation (EU) .../... [the Union Resettlement Framework Regulation]. **[Am. 26]**
- (39) Regulation (EC) No 45/2001 (EU) **2018/1725** of the European Parliament and the Council⁽²⁸⁾ applies to the activities of the Union institutions or bodies when carrying out their tasks as responsible for the operational management of VIS. **[Am. 27]**
- (40) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on ... **12 December 2018**. **[Am. 28]**
- (41) In order to enhance third countries' cooperation on readmission of irregular migrants and to facilitate the return of illegally staying third country nationals whose data might be stored in the VIS, the copies of the travel document of applicants for a short stay visa should be stored in the VIS. Contrary to information extracted from the VIS, copies of travel documents are a proof of nationality more widely recognised by third countries.
- (42) Consultation of the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa, as established by Decision No 1105/2011/EU of the European Parliament and of the Council⁽²⁹⁾, is a compulsory element of the visa examination procedure. Visa authorities should systematically implement this obligation and therefore this list should be incorporated in the VIS to enable automatic verification of the recognition of the applicant's travel document.
- (43) Without prejudice to Member States' responsibility for the accuracy of data entered into VIS, eu-LISA should be responsible for reinforcing data quality by introducing, **maintaining and continuously upgrading** a central data quality monitoring tool, and for providing reports at regular intervals to the Member States. **[Am. 29]**
- (44) In order to allow better monitoring of the use of VIS to analyse trends concerning migratory pressure and border management, eu-LISA should be able to develop a capability for statistical reporting to the Member States, the Commission, and the European Border and Coast Guard Agency without jeopardising data integrity. Therefore, **a central eu-LISA should store certain statistical data in the central repository should be established for the purposes of the reporting and providing statistics in accordance with [Regulation 2018/XX on interoperability (borders and visa)]**. None of the produced statistics should contain personal data. **[Am. 30]**

⁽²⁷⁾ Regulation (EU) .../... of the European Parliament and the Council [full title] (OJ L ..., ..., p. ...).

⁽²⁸⁾ Regulation (EC) No 45/2001 (EU) **2018/1725** of the European Parliament and of the Council of ~~18 December 2000~~ **23 October 2018** on the protection of individuals **natural persons** with regard to the processing of personal data by the ~~Community~~ **Union** institutions, ~~and~~ **offices and agencies** and on the free movement of such data (OJ L 8, 12.1.2001, p. 1), **and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)**.

⁽²⁹⁾ Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list (OJ L 287, 4.11.2011, p. 9).

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- (45) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the Council ⁽³⁰⁾.
- (46) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the need to ensure the implementation of a common policy on visas, a high level of security within the area without controls at the internal borders and the gradual establishment of an integrated management system for the external borders, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (47) This Regulation establishes strict access rules to the VIS and the necessary safeguards. It also foresees individuals' rights of access, rectification, erasure and remedies in particular the right to a judicial remedy and the supervision of processing operations by public independent authorities. Additional safeguards are introduced by this Regulation to cover for the specific needs of the new categories of data that will be processed by the VIS. This Regulation therefore respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to human dignity, the right to liberty and security, the respect for private and family life, the protection of personal data, the right to asylum and protection of the principle of non-refoulement and protection in the event of removal, expulsion or extradition, the right to non-discrimination, the rights of the child and the right to an effective remedy.
- (47a) This Regulation is without prejudice to the obligations deriving from the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, and to all the international commitments entered into by the Union and its Member States. [Am. 31]**
- (48) Specific provisions should apply to third country nationals who are subject to a visa requirement, who are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement under Union law and who do not hold a residence card referred to under Directive 2004/38/EC. Article 21(1) of the Treaty on the Functioning of the European Union stipulates that every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect. The respective limitations and conditions are to be found in Directive 2004/38/EC.
- (49) As confirmed by the Court of Justice of the European Union, such family members have not only the right to enter the territory of the Member State but also to obtain an entry visa for that purpose. Member States must grant such persons every facility to obtain the necessary visas which must be issued free of charge as soon as possible and on the basis of an accelerated procedure.
- (50) The right to obtain a visa is not unconditional as it can be denied to those family members who represent a risk to public policy, public security or public health pursuant to Directive 2004/38/EC. Against this background, the personal data of family members can only be verified where the data relate to their identification and their status only insofar these are relevant for assessment of the security threat they could represent. Indeed, the examination of their visa applications should be made exclusively against the security concerns, and not those related to migration risks.
- (51) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

⁽³⁰⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

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- (52) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC⁽³¹⁾; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (53) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC⁽³²⁾; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (54) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁽³³⁾ which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC⁽³⁴⁾.
- (55) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁽³⁵⁾ which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁽³⁶⁾ and with Article 3 of Council Decision 2008/149/JHA⁽³⁷⁾.
- (56) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁽³⁸⁾ which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁽³⁹⁾ and with Article 3 of Council Decision 2011/349/EU.⁽⁴⁰⁾

⁽³¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽³²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽³³⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽³⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽³⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽³⁷⁾ Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 50).

⁽³⁸⁾ OJ L 160, 18.6.2011, p. 21.

⁽³⁹⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

⁽⁴⁰⁾ Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011, p. 1).

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- (57) This Regulation, with the exception of Article 22r, constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(2) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession, with the exception of provisions rendered applicable to Bulgaria and Romania by Council Decision (EU) 2017/1908 ⁽⁴¹⁾,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 767/2008 is amended as follows:

- (-1) *The title is replaced by the following:*

'Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of information between Member States on short-stay visas, long-stay visas, and residence permits (VIS Regulation)'; [Am. 32]

- (1) In Article 1 the following paragraphs are added:

'This Regulation also lays down procedures for the exchange of information between Member States on long-stay visas and residence permits, including on certain decisions on long-stay visas and residence permits.

By storing identity, travel document and biometric data in the common identity repository (CIR) established by Article 17 of Regulation 2018/XX of the European Parliament and of the Council (*) [Regulation 2018/XX on interoperability (**borders and visas**)], the VIS contributes to facilitating and assisting in the correct identification of persons registered in the VIS.'

(*) Regulation 2018/XX of the European Parliament and of the Council* [Regulation 2018/XX on interoperability (**borders and visas**)] (OJ L).";

- (2) Article 2 is replaced by the following:

'Article 2

Purpose of VIS

1. The VIS shall have the purpose of improving the implementation of the common visa policy **on short-stay visas**, consular cooperation and consultation between central visa authorities by facilitating the exchange of data between Member States on applications and on the decisions relating thereto, in order: [Am. 33]

(a) to facilitate **and expedite** the visa application procedure; [Am. 34]

(b) to prevent the bypassing of the criteria for the determination of the Member State responsible for examining the application;

(c) to facilitate the fight against fraud;

(41) Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provision of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania (OJ L 269, 19.10.2017, p. 39).

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- (d) to facilitate checks at external border crossing points and within the territory of the Member States;
 - (e) to assist in the identification and return of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States;
 - (f) to assist in the identification of persons *referred to in Article 22o* who have gone missing; [Am. 35]
 - (g) to facilitate the application of Regulation (EU) No 604/2013 of the European Parliament and of the Council (*) and of Directive 2013/32/EU of the European Parliament and of the Council (**);
 - (h) to contribute to **the prevention of threats to the internal security of any of the Member States, namely through the prevention, detection and investigation of terrorist offences or of other serious criminal offences in appropriate and strictly defined circumstances**; [Am. 36]
 - ~~(i) to contribute to the prevention of threats to the internal security of any of the Member States; [Am. 37]~~
 - (j) to ensure the correct identification of persons;
 - (k) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country nationals subject to a refusal of entry, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks.”
2. As regards long stay visas and residence permits, the VIS shall have the purpose of facilitating the exchange of data between Member States on the decisions related thereto, in order to:
- (a) support a high level of security **in all Member States** by contributing to the assessment of whether the applicant **or holder of a document** is considered to pose a threat to public policy, internal security ~~or public health~~ prior to their arrival at the external borders crossing points; [Am. 38]
 - (b) **facilitate checks at external border crossing points and** enhance the effectiveness of border checks and of checks within the territory **of the Member States**; [Am. 39]
 - (c) contribute to **the prevention of threats to the internal security of any of the Member States, namely through the prevention, detection and investigation of terrorist offences or of other serious criminal offences in appropriate and strictly defined circumstances**; [Am. 40]
 - (d) ensure the correct identification of persons;
 - ~~(da) assist in the identification of persons referred to in Article 22o who have gone missing; [Am. 41]~~
 - (e) facilitate the application of Regulation (EU) No 604/2013 and of Directive 2013/32/EU;

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- (f) support the objectives of the Schengen Information System (SIS) related to the alerts in respect of third country nationals subject to a refusal of entry, persons wanted for arrest or for surrender or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks.'

(*) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

(**) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).";

(2a) the following Article is inserted:

'Article 2a

Architecture

1. VIS shall be based on a centralised architecture and shall consist of:

- (a) **the common identity repository established by [Article 17(2)(a) of Regulation 2018/XX on interoperability (borders and visa)];**
- (b) **a central information system (the "VIS Central System");**
- (c) **an interface in each Member State (the "national interface" or "NI-VIS") which shall provide the connection to the relevant central national authority of the respective Member State, or a national uniform interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the VIS Central System to connect to the national infrastructures in Member States;**
- (d) **a communication infrastructure between the VIS Central System and the national interfaces;**
- (e) **a secure communication channel between the VIS Central System and the EES Central System;**
- (f) **a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2018/XX on interoperability (borders and visa)], shared biometric matching service established by [Article 12 of Regulation 2018/XX on interoperability (borders and visa)], the common identity repository established by [Article 17 of Regulation 2018/XX on interoperability (borders and visa)] and the multiple-identity detector established by [Article 25 of Regulation 2018/XX on interoperability (borders and visa)];**
- (g) **a mechanism of consultation on applications and exchange of information between central visa authorities ("VISMail");**
- (h) **a carrier gateway;**
- (i) **a secure web service enabling communication between the VIS Central System on the one hand and the carrier gateway and international systems on the other hand;**
- (j) **a repository of data for the purposes of reporting and statistics;**
- (k) **a tool enabling applicants to give or withdraw their consent for an additional retention period of their application file.**

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The VIS Central System, the national uniform interfaces, the web service, the carrier gateway and the VIS communication infrastructure shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES national uniform interfaces, the ETIAS carrier gateway, the EES web service and the EES communication infrastructure.

2. *The NI-VIS shall consist of:*

(a) *one local national interface (LNI) for each Member State which is the interface that physically connects the Member State to the secure communication network and contains the encryption devices dedicated to VIS. The LNI shall be located at the Member State premises;*

(b) *one backup LNI (BLNI) which shall have the same content and function as the LNI.*

3. *The LNI and BLNI are to be used exclusively for purposes defined by the Union legislation applicable to VIS.*

4. *Centralised services shall be duplicated to two different locations namely Strasbourg, France, hosting the principal VIS Central System, central unit (CU) and St Johann im Pongau, Austria, hosting the backup VIS Central System, backup central unit (BCU). The connection between the principal VIS Central System and the backup VIS Central System shall allow for the continuous synchronisation between the CU and BCU. The communication infrastructure shall support and contribute to ensuring the uninterrupted availability of VIS. It shall include redundant and separated paths for the connections between VIS Central System and the backup VIS Central System and shall also include redundant and separated paths for the connections between each national interface and VIS Central System and backup VIS Central System. The communication infrastructure shall provide an encrypted, virtual, private network dedicated to VIS data and to communication between Member States and between Member States and the authority responsible for the operational management for the VIS Central System.’; [Am. 42]*

(3) Article 3 is deleted;

(4) ~~in~~ Article 4, is amended as follows:

(a) *the following point is inserted:*

(3a) *‘central authority’ means the authority established by a Member State for the purposes of Regulation (EC) No 810/2009; [Am. 43]*

(b) *the following points are added:*

(12) *‘VIS data’ means all data stored in the VIS Central System and in the CIR in accordance with Articles 9 to 14, 22c, to 22f;*

(13) *‘identity data’ means the data referred to in Article 9(4)(a) and (aa);*

(14) *‘fingerprint data’ means the data relating fingerprints that is stored in a VIS file;*

(15) *‘facial image’ means digital image of the face with sufficient image resolution and quality to be used in automated biometric matching; [Am. 44]*

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- (16) 'Europol data' means personal data processed by Europol for the purpose referred to in Article 18(2)(a) of Regulation (EU) 2016/794 of the European Parliament and of the Council (*);
- (17) 'residence permit' means all residence permits issued by the Member States in accordance with the uniform format laid down by Council Regulation (EC) No 1030/2002 (**) and all other documents referred to in Article 2(16)(b) of Regulation (EU) 2016/399;
- (18) 'long-stay visa' means an authorisation issued by a Member State as provided for in Article 18 of the Schengen Convention;
- (19) ~~'national supervisory authority authorities'~~ ~~as regards law enforcement purposes~~ means the supervisory authorities established in accordance with **referred to in Article 51(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council (***) and the supervisory authorities referred to in Article 41 of Directive (EU) 2016/680 of the European Parliament and of the Council (****); [Am. 45]**
- (19a) **'hit' means the existence of a correspondence established by comparing the relevant data recorded in an application file of VIS with the relevant data present in a record, file or alert registered in VIS, Schengen Information System, the EES, ETIAS, Eurodac, Europol data or in Interpol's SLTD database; [Am. 46]**
- (20) 'law enforcement' means the prevention, detection or investigation of terrorist offences or other serious criminal offences **within a strictly defined framework; [Am. 47]**
- (21) 'terrorist offences' mean the offences under national law ~~which correspond or are equivalent to those referred to in Articles 3 to 14 of Directive (EU) 2017/541 of the European Parliament and of the Council (*****) or equivalent to one of those offences for the Member States which are not bound by that Directive; [Am. 48]~~
- (22) 'serious criminal offences' means the offences which correspond or are equivalent to those referred to in Article 2(2) of Council Framework Decision 2002/584/JHA (*****), if they are punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years.

(*) 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 (OJ L 135, 24.5.2016, p. 53).

(**) Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1)

(***) **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). [Am. 49]**

(****) Directive (EU) 2016/680 of the European parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data 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 (OJ L 119, 4.5.2016, p. 89).

(*****) Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

(******) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1)";

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(5) Article 5 is replaced by the following:

‘Article 5

Categories of data

1. Only the following categories of data shall be recorded in the VIS:

(a) alphanumeric data on the short stay visa applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in Article 9(1) to (4) and Articles 10 to 14, alphanumeric data on long stay visa and residence permits issued, withdrawn, refused, annulled, revoked or extended referred to in Articles 22c, 22d, 22e and 22f, as well as information regarding the hits referred to in Articles 9a and 22b, and the results of verifications referred to in Article 9c(6);

(b) facial images referred to in Article 9(5) and Article 22c(2)(f);

(c) fingerprint data referred to in Article 9(6) ~~and~~, Article 22c(2)(g) **and Article 22d(g)**; [Am. 50]

(ca) scans of the biographic data page of the travel document referred to in Article 9(7); [Am. 51]

(d) links to other applications referred to in Article 8(3) and (4) and Article 22a(3).”

2. The messages transmitted by the VIS, referred to in Article 16, Article 24(2) and Article 25(2), shall not be recorded in the VIS, without prejudice to the recording of data processing operations pursuant to Article 34.

3. The CIR shall contain the data referred to in Article 9(4)(a) to (cc), Article 9(5) and 9(6), Article 22c(2)(a), to (cc), (f) and (g), and Article 22d(a) to ~~(e)~~(e), (f) and (g). The remaining VIS data shall be stored in the VIS Central System.’ [Am. 52]

(6) the following Article 5a is inserted:

‘Article 5a

List of recognised travel documents

(1). The list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa, as established by Decision No 1105/2011/EU of the European Parliament and of the Council (*), shall be integrated in the VIS. [Am. 53]

(2). The VIS shall provide the functionality for the centralised management of the list of recognised travel documents and of the notification of the recognition or non-recognition of the listed travel documents pursuant to Article 4 of Decision No 1105/2011/EU. [Am. 54]

(3). The detailed rules on managing the functionality referred to in paragraph 2 shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2). [Am. 55]

(*) Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011 on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list (OJ L 287, 4.11.2011, p. 9);

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(7) Article 6 is amended as follows:

(-a) paragraph 1 is replaced by the following:

'1. Without prejudice to Article 22a, access to the VIS for entering, amending or deleting the data referred to in Article 5(1) in accordance with this Regulation shall be reserved exclusively to the duly authorised staff of the visa authorities. The number of duly authorised members of staff shall be strictly limited by the actual needs of their service.' [Am. 56]

(a) paragraph 2 is replaced by the following:

'2. Access to the VIS for consulting the data shall be reserved exclusively for the duly authorised staff of the national authorities of each Member State and of the EU bodies which are competent for the purposes laid down in Articles 15 to 22, ~~Articles 22c to 22f~~, and Articles 22 g to 22j 22l, as well as for the purposes laid down in Articles 20 and 21 of [Regulation 2018/XX on interoperability (borders and visa)].

The authorities entitled to consult or access VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences shall be designated in accordance with Chapter IIIb.

That access shall be limited to the extent that the data are required for the performance of their tasks in accordance with those purposes, and proportionate to the objectives pursued.' [Am. 57]

(aa) paragraph 3 is replaced by the following:

'3. Each Member State shall designate the competent authorities, the duly authorised staff of which shall have access to enter, amend, delete or consult data in the VIS. Each Member State shall without delay communicate to eu-LISA a list of these authorities, including those referred to in Article 29(3a), and any amendments thereto. That list shall specify for each authority, which data it may search and for what purposes.

eu-LISA shall ensure annual publication of the list and of lists of designated authorities referred to in Article 22k(2) and the central access points referred to in Article 22k(4) in the Official Journal of the European Union. eu-LISA shall maintain a continuously updated list on its website containing changes sent by Member States between the annual publications.' [Am. 58]

(b) the following paragraph 4 is added:

'4. The VIS shall provide the functionality for the centralised management of this list.'

(c) the following paragraph 5 is added:

'5. The Commission shall adopt delegated acts in accordance with Article 48a concerning the detailed rules on managing the functionality for the centralised management of the list in paragraph 3 ~~shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).'~~ [Am. 59]

(7a) In Article 7, paragraph 2 is replaced by the following:

'2. Processing of personal data within the VIS by each competent authority shall not result in discrimination against applicants, visa holders or applicants and holders of long-stay visas, and residence permits on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It shall fully respect human dignity and integrity and fundamental rights and observes the principles recognised by the

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Charter of Fundamental Rights of the European Union, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability and persons in need of international protection. The best interests of the child shall be a primary consideration.'; [Am. 60]

(8) In Article 7 a new paragraph 3 is inserted *the following paragraphs are added:*

'3. The best interests of the child shall be a primary **take precedence over any other** consideration for Member States with respect to all procedures provided for in this Regulation, **in full compliance with the International Convention on the Rights of the Child**. The child's well-being, safety and security, in particular where there is a risk of the child being a victim of human trafficking in human beings, and the views of the child shall be taken into consideration and given due weight in accordance with his or her age and maturity.' [Am. 61]

3a. *Member States shall apply this Regulation in full conformity with the Charter of Fundamental Rights of the European Union, in particular the right to human dignity, the right to liberty and security, the respect for private and family life, the protection of personal data, the right to asylum and protection of the principle of non-refoulement and protection in the event of removal, expulsion or extradition, the right to non-discrimination, the rights of the child and the right to an effective remedy.'; [Am. 62]*

(8a) *The following Article is inserted:*

'Article 7a

Fingerprint data of children

1. *By way of derogation to Article 22c(2)(g) no fingerprints of children under the age of 6 shall be entered into VIS.*

2. *The biometric data of minors from the age of six shall be taken by officials trained specifically to take a minor's biometric data in a child-friendly and child-sensitive manner and in full respect of the best interests of the child and the safeguards laid down in the United Nations Convention on the Rights of the Child.*

The minor shall be accompanied by, where present, an adult family member while his or her biometric data are taken. An unaccompanied minor shall be accompanied by a guardian, representative or, where a representative has not been designated, a person trained to safeguard the best interests of the minor and his or her general wellbeing, while his or her biometric data are taken. Such a trained person shall not be the official responsible for taking the biometric data, shall act independently and shall not receive orders either from the official or the service responsible for taking the biometric data. No form of force shall not be used against minors to ensure their compliance with the obligation to provide biometric data.

3. *By way of derogation from Article 13(2) of Regulation (EC) No 810/2009 consulates shall not request that children between the age of 6 and 12 appear in person at the consulate for the collection of biometric identifiers where this would constitute an excessive burden and costs for families. In such cases, biometric identifiers shall be taken at the external borders where particular attention shall be paid to avoid child trafficking.*

4. *By way of derogation from the provisions on the use of data provided for in Chapters II, III, IIIa and IIIb fingerprint data of children may only be accessed for the following purposes:*

(a) *to verify the child's identity in the visa application procedure in accordance with Article 15 and at the external borders in accordance with Articles 18 and 22 g and*

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(b) under Chapter IIIb to contribute to the prevention of and fight against abuses of children's rights, subject to all of the following conditions being satisfied:

(i) such access must be necessary for the purpose of the prevention, detection or investigation of child trafficking;

(ii) access is necessary in a specific case;

(iii) the identification is in the best interest of the child.'; [Am. 63]

(9) The title of Chapter II is replaced by the following:

'ENTRY AND USE OF DATA ON ~~SHORY STAY~~ **SHORT-STAY** VISA BY VISA AUTHORITIES' [Am. 64]

(10) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. When the application is admissible pursuant to Article 19 of Regulation (EC) No 810/2009, the visa authority shall create the application file within 2 working days, by entering the data referred to in Article 9 in the VIS, as far as those data are required to be provided by the applicant.';

(b) the following paragraph 1a is inserted:

'1a. Upon creation of the application file, the VIS shall automatically launch the query pursuant to Article 9a and return results'.

(c) paragraph 5 is replaced by the following:

'5. Where particular data are not required to be provided for legal reasons or factually cannot be provided, the specific data field(s) shall be marked as "not applicable". The absence of fingerprints should be indicated by "VISO"; furthermore, the system shall permit a distinction to be made between the cases pursuant to Article 13 (7)(a) to (d) of Regulation (EC) No 810/2009.'

(11) Article 9 is amended as follows:

(a) in point 4, points (a), (b) and (c) are replaced by the following:

'(a) surname (family name); first name or names (given names); date of birth; nationality or nationalities; sex;

(aa) surname at birth (former surname(s)); place and country of birth; nationality at birth;

(b) the type and number of the travel document or documents and the three-letter code of the issuing country of the travel document or documents;

(c) the date of expiry of the validity of the travel document or documents;

(cc) the authority which issued the travel document and its date of issue.';

(b) point 5 is replaced by the following:

'5. the facial image of the applicant, in accordance with Article ~~13(1)~~ **13** of Regulation (EC) No 810/2009.';
[Am. 65]

(ba) point 6 is replaced by the following:

'6. fingerprints of the applicant, in accordance with Article 13 of Regulation (EC) No 810/2009.';
[Am. 66]

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(c) the following point 7 is added:

'7. a scan of the biographic data page.;

(d) the following two paragraphs are added:

~~'8.~~ The facial image of third country nationals referred to in point 5 of the first paragraph shall have sufficient image resolution and quality to be used in automated biometric matching. ***If it lacks sufficient quality, the facial image shall not be used for automated matching.*** [Am. 67]

By way of derogation from the ~~second~~ **first** paragraph, in exceptional cases where the quality and resolution specifications set for the enrolment of the live facial image in the VIS cannot be met, the facial image may be extracted electronically from the chip of the electronic Machine Readable Travel Document (eMRTD). In such cases, the facial image shall only be inserted into the individual file after electronic verification that the facial image recorded in the chip of the eMRTD corresponds to the live facial image of the third-country national concerned.;

[Am. 68]

(12) the following new Articles 9a to 9d are inserted:

'Article 9a

Queries to other systems

1. The application files shall be automatically processed by the VIS to identify hits. The VIS shall examine each application file individually.

2. When an application is created ~~or a visa is issued~~, the VIS shall check whether the travel document related to that application is recognised in accordance to Decision No 1105/2011/EU, by performing an automatic search against the list of recognised travel documents referred to in Article 5a, and shall return a result. [Am. 69]

3. For the purpose of the verifications provided for in Article 21(1) and Article 21(3)(a), ~~(c) and (d)~~ **and (c)** of Regulation (EC) No 810/2009, the VIS shall launch a query by using the European Search Portal defined in Article 6 (1) [of the Interoperability Regulation (***borders and visas***)] to compare the relevant data referred to in ~~point (4)~~ **points (4), (5) and (6)** of Article 9 of this Regulation to the data present in a record, file or alert registered in the VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), including the watchlist referred to in Article 29 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System], the Eurodac, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN). ***VIS shall verify:***

(a) ***whether the travel document used for the application corresponds to a travel document reported lost, stolen, misappropriated or invalidated in SIS;***

(b) ***whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated in the SLTD database;***

(c) ***whether the applicant is subject to a refusal of entry and stay alert in SIS;***

(d) ***whether the applicant is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;***

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- (e) *whether the applicant and the travel document correspond to a refused, revoked or annulled travel authorisation in the ETIAS Central System and its holder;*
- (f) *whether the applicant and the travel document are in the watch list referred to in Article 34 of Regulation (EU) 2018/1240 of the European Parliament and of the Council (*);*
- (g) *whether data on the applicant is already recorded in VIS;*
- (h) *whether the data provided in the application concerning the travel document correspond to another application for a visa associated with different identity data;*
- (i) *whether the applicant is currently reported as an overstayer or whether he or she has been reported as an overstayer in the past in the EES;*
- (j) *whether the applicant is recorded as having been refused entry in the EES;*
- (k) *whether the applicant has been subject to a decision to refuse, annul or revoke a short-stay visa recorded in VIS;*
- (l) *whether the applicant has been subject to a decision to refuse, annul or revoke a long-stay visa, or residence permit recorded in VIS;*
- (m) *whether data specific to the identity of the applicant are recorded in Europol data;*
- (n) *whether the applicant for a short-stay visa is registered in Eurodac;*
- (o) *in cases where the applicant is a minor, whether the applicant's holder of parental authority or legal guardian:*
 - (i) *is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;*
 - (ii) *is subject to a refusal of entry and stay alert entered in SIS;*
 - (iii) *holds a travel document contained in the watch list referred to in Article 34 of Regulation (EU) 2018/1240. [Am. 70]*

3a. *When querying SLTD, the data used by the user of the ESP to launch a query shall not be shared with the owners of Interpol data. [Am. 71]*

4. The VIS shall add a reference to any hit obtained pursuant to paragraph 3 to the application file. Additionally, the VIS shall identify, where relevant, the Member State(s) that entered or supplied the data having triggered the hit(s) or Europol, and shall record this in the application file. **No information other than the reference to any hit and the originator of the data shall be recorded.** [Am. 72]

5. For the purposes of Article 2(1)(k), the queries carried out under paragraph 3 of this Article shall compare the relevant data referred to in Article 15(2) to the data present in the SIS in order to determine whether the applicant is subject to one of the following alerts:

- (a) an alert in respect of persons wanted for arrest for surrender purposes or extradition purposes;
- (b) an alert in respect of missing persons;

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(c) an alert in respect of persons sought to assist with a judicial procedure;

(d) an alert on persons and objects for discreet checks, ~~or~~ specific checks **or inquiry checks**. [Am. 73]

5a. Any hit resulting from the queries pursuant to Article 9a(3)(a), (b), (c), (e), (g), (h), (i), (j), (k), (l) and (n) shall be assessed, where necessary following verification by the central authority in accordance with Article 9c, by the consulate where the visa application was lodged. [Am. 74]

5b. Any hit resulting from the queries pursuant to Article 9a(3)(d), (f),(m), and (o) shall be verified, where necessary, and assessed by the single point of contact of the Member States that entered or supplied the data having triggered the hits, in accordance with Article 9ca. [Am. 75]

5c. Any hit against SIS shall also be automatically notified to the SIRENE Bureau of the Member State that created the alert having triggered the hit. [Am. 76]

5d. The notification provided to the SIRENE Bureau of the Member State or the single point of contact that entered the alert shall contain the following data:

(a) surname(s), first name(s) and, if any, alias(es);

(b) place and date of birth;

(c) sex;

(d) nationality and, if any, other nationalities;

(e) Member State of first intended stay, and if available, the address of first intended stay;

(f) the applicant's home address or, if not available, his or her city and country of residence;

(g) a reference to any hits obtained, including the date and time of the hit. [Am. 77]

5e. This Article shall not impede the submission of an application for asylum on any grounds. If a visa application is submitted by a victim of violent crime such as domestic violence or trafficking in human beings committed by their sponsor, the file submitted to VIS shall be separated from that of the sponsor in order to protect the victims from further danger. [Am. 78]

Article 9b

Specific provisions applicable to the queries to other systems for family members of EU citizens or of other third country nationals enjoying the right of free movement under Union law

1. As regards third country nationals who are members of the family of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying the right of free movement equivalent to that of Union citizens under an agreement between the Union and its Member States, on the one hand, and a third country, on the other, the automated checks in Article 9a(3) shall be carried ~~out~~ **out** solely for the purpose of checking that there are no factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a risk to security ~~or high epidemic risk~~ in accordance with Directive 2004/38/EC. [Am. 79]

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2. The VIS shall not verify whether:
 - a) the applicant is currently reported as overstayer or whether he or she has been reported as overstayer in the past through consultation of the EES;
 - b) the applicant corresponds to a person whose data is recorded in the Eurodac.

3. Where the automated processing of the application as referred to in Article 9a(3) has reported a hit corresponding to a refusal of entry and stay alert as referred to in Article 24 of Regulation ~~(EC) No 1987/2006 (EU) 2018/1861~~, the visa authority shall verify the ground for the decision following which this alert was entered in the SIS. If this ground is related to an illegal immigration risk, the alert shall not be taken into consideration for the assessment of the application. The visa authority shall proceed according to Article ~~25(2) of the SIS II~~ **26(2) of Regulation (EU) 2018/1861**. [Am. 80]

Article 9c

Verification by the central authorities *and the national single point of contact* [Am. 81]

1. Any hit *as referred to in Article 9a(5b)* resulting from the queries pursuant to Article 9a(3) *which cannot automatically be confirmed by VIS* shall be manually verified by *the national single point of contact in accordance with Article 9ca*. The central authority of the Member State processing the application *shall be notified*. [Am. 82]

2. ~~Where~~ *Any hit as referred to in Article 9a(5a) resulting from the queries pursuant to Article 9a(3) which cannot automatically be confirmed by VIS shall be manually verified by the central authority*. When manually verifying the hits, the central authority shall have access to the application file and any linked application files, as well as to all the hits triggered during the automated processing pursuant to Article ~~9a(3)(5a)~~. [Am. 83]

3. The central authority shall verify whether the identity of the applicant recorded in the application file corresponds to the data present in the VIS, or one of the consulted databases.

4. Where the personal data do not correspond, and no other hit has been reported during the automated processing pursuant to Article 9a(3), the central authority shall erase the false hit from the application file.

5. Where the data correspond to or where doubts remain concerning the identity of the applicant, *in justified cases* the central visa authority processing the application shall inform the central authority of the other Member State(s), which were identified as having entered or supplied the data that triggered the hit pursuant to Article 9a(3). Where one or more Member States were identified as having entered or supplied the data that triggered such hit, the central authority shall consult the central authorities of the other Member State(s) using the procedure set out in Article 16(2). *The applicant shall have the benefit of any doubt*. [Am. 84]

6. The result of the verifications carried out by the central authorities of the other Member States shall be added to the application file.

7. ~~By derogation from paragraph 1, where the comparison referred to in Article 9a(5) reports one or more hits, the VIS shall send an automated notification to the central authority of the Member State that launched the query to take any appropriate follow-up action~~. [Am. 85]

8. ~~Where Europol is identified as having supplied the data having triggered a hit in accordance with Article 9a(3), the central authority of the responsible Member State shall consult the Europol national unit for follow-up in accordance with Regulation (EU) 2016/794 and in particular its Chapter IV~~. [Am. 86]

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Article 9ca

Verification and assessment by the national single point of contact

1. Each Member State shall designate a national authority, operational 24 hours a day, 7 days a week, which shall ensure the relevant manual verifications and assessment of hits for the purposes of this Regulation (“the single point of contact”). The single point of contact shall be composed of liaison officers of SIRENE Bureau, Interpol National Central Bureaux, Europol national central point, ETIAS National Unit and all relevant national law enforcement authorities. Member States shall ensure sufficient staffing enabling the single point of contact to verify hits notified to it pursuant to this Regulation and taking into account the deadlines provided for in Article 23 of Regulation (EC) No 810/2009.

2. The single point of contact shall manually verify the hits referred to it. The procedures set out in Article 9c(2) to (6) shall apply.

3. Where following the verification referred to in paragraph 2 of this Article the data correspond and a hit is confirmed, the single point of contact shall contact, where necessary, the responsible authorities, including Europol, that provided the data having triggered the hit. It shall then assess the hit. The single point of contact shall provide a reasoned opinion in view of the decision on the application to be taken under Article 23 of Regulation (EC) No 810/2009. This reasoned opinion shall be included in the application file. [Am. 87]

Article 9cb

Manual

The Commission shall adopt a delegated act in accordance with Article 48a to lay down in a manual the relevant data to be compared in the queries of the other systems in accordance with Article 9a(3), and the procedures and rules necessary for these queries, verifications and assessments provided for in Articles 9a to 9ca. This delegated act shall include the combination of data categories for querying each system in accordance with Article 9a. [Am. 88]

Article 9d

Responsibilities of Europol

Europol shall adapt its information system to ensure that automatic processing of the queries referred to in Article 9a(3) and Article 22b(2) is possible.’

(*) Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 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 (OJ L 236, 19.9.2018, p. 1).

(13) In Article 13, the following paragraph 4 is added:

‘4. When the application file is updated pursuant to paragraphs 1 and 2, the VIS shall send a notification to the Member State that issued the visa, informing of the **reasoned** decision to annul or revoke that visa. Such notification shall be generated automatically by the central system and transmitted via the mechanism provided in Article 16.’; [Am. 89]

(14) Article 15 is amended as follows:

(a) in paragraph 2, the following point (ea) is inserted:

‘ea) facial image;’

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(b) the following paragraph 2a is inserted:

‘2a. The facial image referred to in point (ea) of paragraph 2 shall not be the only search criterion.’;

(15) In Article 16, paragraphs 2 and 3 are replaced by the following:

‘2. When an application file is created in the VIS regarding a national of a specific third country or belonging to a specific category of such nationals for which prior consultation is requested pursuant to Article 22 of Regulation (EC) No 810/2009, the VIS shall automatically transmit the request for consultation to the Member State or the Member States indicated.

The Member State or the Member States consulted shall transmit their response to the VIS, which shall transmit that response to the Member State which created the application.

Solely for the purpose of carrying out the consultation procedure, the list of Member States requiring that their central authorities be consulted by other Member States’ central authorities during the examination of visa applications for uniform visas lodged by nationals of specific third countries or specific categories of such nationals, according to Article 22 of Regulation (EC) No 810/2009, ~~and of the third country nationals concerned~~, shall be integrated into the VIS”. [Am. 90]

3. The procedure set out in paragraph 2 shall also apply to:

(a) the transmission of information pursuant to Article 25(4) on the issuing of visas with limited territorial validity, Article 24(2) on data amendments **of this Regulation** and Article 31 of Regulation (EC) No 810/2009 on ex post notifications; [Am. 91]

(b) all other messages related to consular cooperation that entail transmission of personal data recorded in the VIS or related to it, to the transmission of requests to the competent visa authority to forward copies of ~~travel documents pursuant to point 7 of Article 9 and other~~ documents supporting the application and to the transmission of electronic copies of those documents, as well as to requests pursuant to Article 9c and Article 38 (3). The competent visa authorities shall respond to any such request within two working days.’; [Am. 92]

(16) Article 17 is deleted;

(17) the title of Chapter III is replaced by the following:

‘ACCESS TO SHORT STAY VISA DATA BY OTHER AUTHORITIES’

(18) In Article 18(6) the second subparagraph is replaced by the following:

‘The competent authorities for carrying out checks at borders at which the EES is operated shall verify the fingerprints of the visa holder against the fingerprints recorded in the VIS. For visa holders whose fingerprints cannot be used, the search mentioned under paragraph 1 shall be carried out with the alphanumeric data foreseen under paragraph 1 in combination with the facial image.’;

(18a) *Article 18a is replaced by the following:*

‘**Article 18a**

Retrieval of VIS data for creating or updating an entry/exit record or a refusal of entry record of a visa holder in the EES

Solely for the purpose of creating or updating an entry/exit record or a refusal of entry record of a visa holder in the EES in accordance with Article 14(2) and Articles 16 and 18 of Regulation (EU) 2017/2226, the competent authority for carrying out checks at borders at which the EES is operated shall be given access to retrieve from the VIS and import into the EES the data stored in the VIS and listed in point (d) of Article 16(1) and points (c) to (f) of Article 16(2) of that Regulation.’ [Am. 93]

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(19) the following Article 20a is inserted:

'Article 20a

Use of VIS data for the purpose of entering SIS alerts on missing persons **or vulnerable persons who need to be prevented from travelling** and the subsequent access to those data [Am. 94]

1. Fingerprint data **and facial images** stored in the VIS may be used for the purpose of entering an alert on missing persons, **children at risk of abduction or vulnerable persons who need to be prevented from travelling** in accordance with Article 32(2) of Regulation (EU) ... of the European Parliament and of the Council (*) [Regulation (EU) on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters]. In those cases, the exchange of fingerprint data **and facial images** shall take place via secured means to the SIRENE bureau of the Member State owning the data. [Am. 95]

2. Where there is a hit against a SIS alert **through the use of fingerprint data and facial images stored in VIS** as referred to in paragraph 1, child protection authorities and national judicial authorities, including those responsible for the initiation of public prosecutions in criminal proceedings and for judicial inquiries prior to charge and their coordinating authorities, as referred to in Article 43 44 of Regulation (EU) ... [COM(2016)0883 — SIS ~~EE~~ (police cooperation)], may request **from an authority with access to VIS**, in the performance of their tasks, access to the data entered in VIS. The conditions provided for in Union and national legislation shall apply. **Member States shall ensure that the data are transmitted in a secure manner.** [Am. 96]

(*) Regulation (EU) .. of the European Parliament and of the Council of ... (OJ L .., p. ...);

(20) in Article 22, ~~paragraph~~ **paragraphs 1 and 2 is are** replaced by the following:

'1. For the sole purpose of examining an application for asylum, the competent asylum authorities shall have access in accordance with Article 21 of Regulation (EC) No 343/2003 to search with the fingerprints of the asylum seeker. Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 9(4)(a) and/or (b) to (c); this search may be carried out in combination with the data referred to in Article 9(4)(aa). [Am. 97]

2. If the search with the data listed in paragraph 1 indicates that data on the applicant for international protection is recorded in the VIS, the competent asylum authority shall have access to consult the following data of the applicant and of any linked application files of the applicant pursuant to Article 8(3), for the sole purpose referred to in paragraph 1:

(a) the application number;

(b) the data taken from the application form(s), referred to in points (4), (5) and (7) of Article 9;

(c) ~~photographs~~ **facial images**; [Am. 98]

(d) the data entered in respect of any visa issued, annulled, revoked, or whose validity is extended, referred to in Articles 10, 13 and 14;

(e) the data referred to in ~~points~~ **point** (4) ~~and (5)~~ of Article 9 of the linked application files pursuant to Article 8(4).; [Am. 99]

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(21) Article 23 is replaced by the following:

'Article 23

Retention period for data storage

1. Each **application** file shall be stored in the VIS for a maximum of five years, without prejudice to the deletion referred to in Articles 24 and 25 and to the keeping of records referred to in Article 34. **[Am. 100]**

That period shall start:

- (a) on the expiry date of the visa, the long-stay visa or *the residence permit*, if a visa, a long-stay visa or a residence permit has been issued;
- (b) on the new expiry date of the visa, **or** the long-stay visa ~~or the residence permit~~, if a visa, **or** a long-stay visa ~~or a residence permit~~ has been extended; **[Am. 101]**
- (c) on the date of the creation of the application file in the VIS, if the application has been withdrawn, closed or discontinued;
- (d) on the date of the decision of the responsible authority if a visa, a long-stay visa or a residence permit has been refused, annulled, shortened, withdrawn or revoked, as applicable.

2. Upon expiry of the period referred to in paragraph 1, the VIS shall automatically erase the file and the link(s) to this file as referred to in Article 8(3) and (4) and Article ~~22a~~ 22a(3) ~~and (5)~~; **[Am. 102]**

2a. By way of derogation from paragraph 1:

- (a) application files pertaining to a residence permit shall be deleted after a maximum period of 10 years;**
- (b) application files pertaining to children below the age of 12 shall be deleted upon the child exiting the Schengen area. [Am. 103]**

2b. By way of derogation from paragraph 1, for the purpose of facilitating a new application the application file referred therein may be stored for an additional period of no more than three years from the end of the validity period of the long-stay visa or residence permit and only where, following a request for consent, the applicant freely and explicitly consents by means of a signed declaration. Requests for consent shall be presented in a manner which is clearly distinguishable from other matters, in an intelligible and easily accessible form and using clear and plain language, in accordance with Article 7 of Regulation (EU) 2016/679. The applicant may withdraw his or her consent at any time, in accordance with Article 7(3) of Regulation (EU) 2016/679. If the applicant withdraws consent, the application file shall automatically be erased from VIS.

eu-LISA shall develop a tool to enable applicants to give and withdraw their consent.

The Commission shall adopt delegated acts in accordance with Article 48a to further define the tool to be used by the applicants to give and withdraw their consent.; **[Am. 104]**

(22) in Article 24, ~~paragraph~~ **paragraphs 2 and 3 is are** replaced by the following:

'2. If a Member State has evidence to suggest that data processed in the VIS are inaccurate or that data were processed in the VIS contrary to this Regulation, it shall inform the Member State responsible immediately. Such message shall be transmitted in accordance with the procedure in Article 16(3).

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Where the inaccurate data refers to links created pursuant to Article 8(3) or (4), and Article 22a(3), the responsible Member State shall make the necessary verifications and provide an answer within 48 hours, and, as the case may be, rectify the link. If no answer is provided within the set timeframe, the requesting Member State shall rectify the link and notify the responsible Member State of the rectification made via VISMail.

3. The Member State responsible shall, as soon as possible, check the data concerned and, if necessary, correct or delete them immediately.; [Am. 105]

(23) Article 25 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Where, before expiry of the period referred to in Article 23(1), an applicant has acquired the nationality of a Member State, the application files, the files and the links referred to in Article 8(3) and (4), **and in** Article 22a (3) relating to him or her shall be erased without delay from the VIS by the Member State which created the respective application file(s) and links.; [Am. 106]

(b) in paragraph 2, the words 'infrastructure of the VIS' are replaced by 'the VISMail'.

(23a) Article 26 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. **eu-LISA shall be responsible for the operational management of VIS and its components as set out in Article 2a. It shall ensure, in cooperation with the Member States, that at all times the best available technology, subject to a cost-benefit analysis, is used for those components.** [Am. 107]

2. **Operational management of VIS shall consist of all the tasks necessary to keep VIS functioning 24 hours a day, 7 days a week in accordance with this Regulation, in particular the maintenance work and technical developments necessary to ensure that VIS functions at a satisfactory level of operational quality, in particular as regards the response time for queries of the VIS Central System by consular posts and border authorities. Such response times shall be as short as possible.**;

(b) paragraphs 3 to 8 are deleted; [Am. 109]

(24) in Article 26, the following paragraph 8a is inserted:

'8a. ~~Eu-LISA shall be permitted to use anonymised real personal data of the VIS production system for testing purposes in the following circumstances:~~

~~(a) for diagnostics and repair when faults are discovered with the Central System;~~

~~(b) for testing new technologies and techniques relevant to enhance the performance of the Central System or transmission of data to it.~~

~~In such cases, the security measures, access control and logging activities at the testing environment shall be equal to the ones for the VIS production system. Real personal data adopted for testing shall be rendered anonymous in such a way that the data subject is no longer identifiable.~~;

(c) the following paragraphs are added:

'9a. **Where eu-LISA cooperates with external contractors in any VIS-related tasks, it shall closely monitor the activities of the contractor to ensure compliance with this Regulation, in particular on security, confidentiality and data protection.**

9b. **The operational management of the VIS Central System shall not be trusted to private companies or private organisations.**;

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(25) Article 27 is replaced by the following:

‘Article 27

Location of the central Visa Information System

The principal central VIS, which performs technical supervision and administration functions, shall be located in Strasbourg (France) and a back-up central VIS, capable of ensuring all functionalities of the principal central VIS, shall be located in Sankt Johann im Pongau (Austria).

~~Both sites may be used simultaneously for active~~ **eu-LISA shall implement technical solutions to ensure the uninterrupted availability of VIS either through the simultaneous operation of the VIS Central System and the backup VIS Central System**, provided that the ~~second site~~ **backup VIS Central System** remains capable of ensuring ~~its~~ **the operation in case of VIS in the event of a failure of VIS Central System, or through duplication of the system or its components.**; [Am. 112]

(26) Article 29 is amended as follows:

(a) the title is replaced by the following:

‘Responsibility for the use and quality of data’;

(b) ~~in~~ paragraph 1, **is amended as follows:**

(i) point (c) is replaced by the following:

‘(c) the data are accurate, up-to-date and of an adequate level of quality and completeness when they are transmitted to the VIS.’;

(ii) **the following subparagraph is added:**

‘For this purpose, Member States shall ensure that consular staff and the staff of any external service provider with which they are cooperating as referred to in Article 43 of Regulation (EC) No 810/2009 receive regular training on data quality.’; [Am. 113]

(c) in point (a) of paragraph 2, the word ‘VIS’ is replaced by the words ‘VIS or the CIR’ in both instances where it appears;

(d) the following ~~paragraph 2a is~~ **paragraphs are** inserted:

~~‘2a. The management authority eu-LISA together with the Commission shall develop, and maintain~~ **and continuously upgrade** automated data quality control mechanisms and procedures for carrying out quality checks on the data in VIS and shall provide regular reports to the Member States. ~~The management authority eu-LISA shall ensure adequate levels of professionally trained staff to implement the technical innovations and upgrades required to operate the data quality control mechanisms. eu-LISA shall provide a regular report to the Member states and Commission on the data quality controls. The Commission shall provide the European Parliament and the Council with a regular report on data quality issues that are encountered and how they were addressed.~~ [Am. 114]

This mechanism, procedures and the interpretation of data quality compliance shall be established by means of implementing measures in accordance with the procedure referred to in Article 49(2).

2b. The Commission shall present a report to the European Parliament and to the Council on the feasibility, availability, readiness and reliability of the required technology to use facial images to identify a person.’; [Am. 115]

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(da) the following paragraph is added:

'3a. In relation to the processing of personal data in VIS, each Member State shall designate the authority which is to be considered as controller in accordance with point (7) of Article 4 of Regulation (EU) 2016/679 and which shall have central responsibility for the processing of data by that Member State. Each Member State shall notify the Commission of the designation.'; [Am. 116]

(27) the following Article 29a is inserted:

'Article 29a

Specific rules for entering data

1. Entering data referred to in Articles 9, 22c and 22d into the VIS shall be subject to the following preliminary conditions:

(a) data pursuant to Articles 9, 22c and 22d and Article 6(4) may only be ~~sent~~ **entered** to the VIS following a quality check performed by the responsible national authorities; [Am. 117]

(b) data pursuant to Articles 9, 22c and 22d and Article 6(4) will be processed by the VIS, following a quality check performed by the VIS pursuant to paragraph 2.

2. Quality checks shall be performed by VIS, as follows:

(a) when creating application files or files of third country nationals in VIS, quality checks shall be performed on the data referred to in Articles 9, 22c and 22d; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS;

(b) the automated procedures pursuant to Article ~~9(a)(3)~~ **9a(3)** and 22b(2) may be triggered by the VIS only following a quality check performed by the VIS pursuant to this Article; should these checks fail to meet the established quality criteria, the responsible authority(ies) shall be automatically notified by the VIS; [Am. 118]

(c) quality checks on facial images and dactylographic data shall be performed when creating application files of third country nationals in VIS, to ascertain the fulfilment of minimum data quality standards allowing **for** biometric matching; [Am. 119]

(d) quality checks on the data pursuant to Article 6(4) shall be performed when storing information on the national designated authorities in the VIS.

3. Quality standards shall be established for the storage of the data referred to in paragraph 1 and 2 of this Article. The specification of these standards shall be laid down in implementing acts. Those implementing acts shall be adopted ~~in~~ in accordance with the examination procedure referred to in Article 49(2); [Am. 120]

(28) in Article 31, paragraphs 1 and 2 are replaced by the following:

~~'1. Without prejudice to Regulation (EU) 2016/679, the data referred to in Article 9(4)(a), (b), (c), (k) and (m); 9(6) and 9(7) may be transferred or made available to a third country or to an international organisation listed in the Annex, only if necessary in individual cases for the purpose of proving the identity of third country nationals, and only for the purpose of return in accordance with Directive 2008/115/EC or of resettlement in accordance with the Regulation ...[Resettlement Framework Regulation], and provided that the Member State which entered the data in the VIS has given its approval.'; [Am. 121]~~

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(28a) Article 31 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

‘2. By way of derogation from paragraph 1 of this Article, the data referred to in Article 9(4)(a), (aa), (b), (c), (cc), (k) and (m), (6) and (7) may be transferred by border authorities or immigration authorities to a third country or to an international organisation listed in the Annex to this Regulation in individual cases, if necessary in order to prove the identity of third-country nationals for the sole purpose of return, only where one of the following conditions is satisfied:

(a) the Commission has adopted a decision on the adequate protection of personal data in that third country in accordance with Article 45(3) of Regulation (EU) 2016/679;

(b) appropriate safeguards as referred to in Article 46 of Regulation (EU) 2016/679 have been provided, such as through a readmission agreement which is in force between the Union or a Member State and the third country in question; or

(c) point (d) of Article 49(1) of Regulation (EU) 2016/679, applies. [Am. 122]

3. The data referred to in Article 9(4)(a), (b), (c), (k) and (m), (6) and (7) may be transferred in accordance with paragraph 2 of this Article only where all of the following conditions are satisfied:

(a) the transfer of the data is carried out in accordance with the relevant provisions of Union law, in particular provisions on data protection, including Chapter V of Regulation (EU) 2016/679, and readmission agreements, and the national law of the Member State transferring the data;

(b) the Member State which entered the data in the VIS has given its approval;

(c) the third country or international organisation has agreed to process the data only for the purposes for which they were provided; and

(d) a return decision adopted pursuant to Directive 2008/115/EC has been issued in relation to the third-country national concerned, provided that the enforcement of such a return decision is not suspended and provided that no appeal has been lodged which may lead to the suspension of its enforcement.’; [Am. 123]

(b) the following paragraphs are added:

‘3a. Transfers of personal data to third countries or to international organisations pursuant to paragraph 2 shall not prejudice the rights of applicants for and beneficiaries of international protection, in particular as regards non-refoulement.

3b. Personal data obtained from the VIS by a Member State or by Europol for law enforcement purposes shall not be transferred or made available to any third country, international organisation or private entity established in or outside the Union. The prohibition shall also apply where those data are further processed at national level or between Member States pursuant to Directive (EU) 2016/680.’; [Am. 124]

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(28b) in Article 32, paragraph 2 is amended as follows:

(a) the following point is inserted:

'(ea) prevent the use of automated data-processing systems by unauthorised persons using data communication equipment;'; [Am. 125]

(b) the following points are inserted:

'(ja) ensure that, in the event of an interruption, installed systems can be restored to normal operation;

(jb) ensure reliability by making sure that any faults in the functioning of VIS are properly reported and that the necessary technical measures are put in place to ensure that personal data can be restored in the event of corruption due to a malfunctioning of VIS;'; [Am. 126]

(28c) the following Article is inserted:

'Article 32a

Security incidents

1. *Any event that has or may have an impact on the security of VIS or may cause damage or loss to VIS data shall be considered to be a security incident, especially where unlawful access to data may have occurred or where the availability, integrity and confidentiality of data has or may have been compromised.*

2. *Security incidents shall be managed in a way as to ensure a quick, effective and proper response.*

3. *Without prejudice to the notification and communication of a personal data breach pursuant to Article 33 of Regulation (EU) 2016/679 or to Article 30 of Directive (EU) 2016/680, Member States, Europol and the European Border and Coast Guard Agency shall notify the Commission, eu-LISA, the competent supervisory authority and the European Data Protection Supervisor without delay of security incidents. eu-LISA shall notify the Commission and the European Data Protection Supervisor without delay of any security incident concerning the VIS Central System.*

4. *Information regarding a security incident that has or may have an impact on the operation of VIS in a Member State or, within eu-LISA, on the availability, integrity and confidentiality of the data entered or sent by other Member States, shall be provided to all Member States without delay and reported in compliance with the incident management plan provided by eu-LISA.*

5. *The Member States and eu-LISA shall collaborate in the event of a security incident.*

6. *The Commission shall report serious incidents to the European Parliament and to the Council immediately. These reports shall be classified as EU RESTRICTED/RESTREINT UE in accordance with applicable security rules.*

7. *Where a security incident is caused by the misuse of data, Member States, Europol and the European Border and Coast Guard Agency shall ensure that penalties are imposed in accordance with Article 36;'*; [Am. 127]

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(28d) Article 33 is replaced by the following:

‘Article 33

Liability

1. Without prejudice to the right to compensation from, and liability of the controller or processor under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1726:

- (a) any person or Member State that has suffered material damage as a result of an unlawful personal data processing operation or any other act incompatible with this Regulation by a Member State shall be entitled to receive compensation from that Member State;**
- (b) any person or Member State that has suffered material or non-material damage as a result of any act by Europol, the European Border and Coast Guard Agency or eu-LISA incompatible with this Regulation shall be entitled to receive compensation from the agency in question.**

The Member State concerned, Europol, the European Border and Coast Guard Agency or eu-LISA shall be exempted from their liability under the first subparagraph, in whole or in part, if they prove that they are not responsible for the event which gave rise to the damage.

2. If any failure of a Member State to comply with its obligations under this Regulation causes damage to the VIS Central System, that Member State shall be held liable for such damage, unless and insofar as eu-LISA or another Member State participating in the VIS Central System failed to take reasonable measures to prevent the damage from occurring or to minimise its impact.

3. Claims for compensation against a Member State for the damage referred to in paragraphs 1 and 2 shall be governed by the national law of that Member State. Claims for compensation against the controller, Europol, the European Border and Coast Guard Agency or eu-LISA for the damage referred to in paragraphs 1 and 2 shall be subject to the conditions provided for in the Treaties.’; [Am. 128]

(29) Article 34 is replaced by the following:

‘Article 34

Keeping of logs

1. Each Member State, the European Border and Coast Guard Agency and ~~the Management Authority~~ eu-LISA shall keep logs of all data processing operations within the VIS. These logs shall show the purpose of access referred to in Article 6(1), Article 20a(1), Article 22k(1) and Articles 15 to 22 and 22 g to 22j, the date and time, the type of data transmitted as referred to in Articles 9 to 14 **and 22c to 22f, the type of data used for interrogation as referred to in Article 15(2), Article 18, Article 19(1), Article 20(1), Article 21(1), Article 22(1), Article 22 g, Article 22h, Article 22i, Article 22j, Article 45a, and Article 45d and the name of the authority entering or retrieving the data. In addition, each Member State shall keep logs of the staff duly authorised to enter or retrieve the data. [Am. 129]**

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2. For the operations listed in Article 45b a log of each data processing operation carried out within the VIS and the EES shall be kept in accordance with ~~this~~ **that** Article and Article ~~41~~ **46** of the Regulation (EU) 2017/2226 establishing an Entry/Exit System (EES). **For the operations listed in Article 17a, a record of each data processing operation carried out in VIS and the EES shall be kept in accordance with this Article and Article 46 of Regulation (EU) 2017/2226.** [Am. 130]

3. Such logs may be used only for the data-protection monitoring of the admissibility of data processing as well as to ensure data security. The logs shall be protected by appropriate measures against unauthorised access and deleted after a period of one year after the retention period referred to in Article 23(1) has expired, if they are not required for monitoring procedures which have already begun.;

(29a) Article 35 is replaced by the following:

'Article 35

Self-monitoring

Member States shall ensure that each authority entitled to access VIS data takes the measures necessary to comply with this Regulation and cooperates with the National Supervisory Authority.; [Am. 131]

(29b) Article 36 is replaced by the following:

'Article 36

Penalties

Member States shall take the necessary measures to ensure that any misuse or processing of data entered in VIS contrary to this Regulation is punishable by penalties, including administrative and/or criminal penalties in accordance with national law, that are effective, proportionate and dissuasive.; [Am. 132]

(30) Article 37 is amended as follows:

(a) ~~in~~ paragraph 1, **is amended as follows:**

(i) the introductory sentence ~~1~~ is replaced by the following:

'1. Without prejudice to the right to information referred to in Articles 15 and 16 of Regulation(EU) 2018/1725, Articles 13 and 14 of Regulation(EU) 2016/679, and Article 13 of Directive (EU) 2016/680, third country nationals and the persons referred to in Articles 9(4)(f), 22c(2)(e) or 22d(e) shall be informed of the following by the Member State responsible:; [Am. 133]

(ii) point (f) is replaced by the following:

'(f) the existence of the right of access to data relating to them, and the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights and about the contact details of the European Data Protection Supervisor and of the national supervisory authority of the Member State responsible for the collection of the data referred to in Article 41(1), which shall hear claims concerning the protection of personal data;'; [Am. 134]

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(iii) *the following point is added:*

'(fa) the fact that VIS may be accessed by the Member States and Europol for law enforcement purposes.'; [Am. 135]

(b) paragraph 2 is replaced by the following:

*'2. The information referred to in paragraph 1 shall be provided **clearly, concisely and accurately** in writing to the third country national when the data, the ~~photograph~~ **facial image** and the fingerprint data as referred to in points (4), (5) and (6) of Article 9, Article 22c(2) and Article 22d (a) to (g) are collected, ~~and where necessary, orally, in a language and manner that the data subject understands or is reasonably presumed to understand.~~ Children must be informed in an age-appropriate manner, using leaflets and/or infographics and/or demonstrations specifically designed to explain the fingerprinting procedure.'; [Am. 136]*

(c) in paragraph 3, the second subparagraph is replaced by the following:

'In the absence of such a form signed by those persons this information shall be provided in accordance with Article 14 of Regulation (EU) 2016/679.';

~~(31)~~ in Article 38, paragraph 3 is replaced by the following:

~~'3. If the request as provided for in paragraph 2 is made to a Member State other than the Member State responsible, the authorities of the Member State with which the request was lodged shall contact the authorities of the Member State responsible within a period of seven days. The Member State responsible shall check the accuracy of the data and the lawfulness of their processing in the VIS within a period of one month.'; [Am. 137]~~

(31a) Article 38 is replaced by the following:

'Article 38

Right of access to, of rectification, of completion, of erasure of personal data and of restriction of processing

1. Without prejudice to the right to information under Articles 15 and 16 of Regulation (EU) 2018/1725, applicants or holders of long-stay visa or residence permits whose data are stored in VIS shall be informed, at the time their data are collected, of the procedures for exercising the rights under Articles 17 to 20 of Regulation (EU) 2018/1725 and Articles 15 to 18 of Regulation (EU) 2016/679. They shall be provided with the contact details of the European Data Protection Supervisor at the same time.

2. In order to exercise their rights under Articles 17 to 20 of Regulation (EU) 2018/1725 and Articles 15 to 18 of Regulation (EU) 2016/679, the persons referred to in paragraph 1 shall have the right to address themselves to the Member State which entered their data into VIS. The Member State that receives the request shall examine and reply to it as soon as possible, and at the latest within 30 days. Where in response to a request, it is found that the data stored in VIS are factually inaccurate or have been recorded unlawfully, the Member State responsible shall rectify or erase those data in VIS without delay and at the latest within 30 days of receipt of the request in line with Article 12(3) and (4) of Regulation (EU) 2016/679. If the request is made to a Member State other than the Member State responsible, the authorities of the Member State with which the request was lodged shall contact the authorities of the Member State responsible within a period of seven days. The Member State responsible shall check the accuracy of the data and the lawfulness of their processing in VIS within a period of one month. The persons concerned shall be informed by Member State which contacted the authority of the Member State responsible that his or her request was forwarded, to whom and about the further procedure.

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3. Where the Member State responsible does not agree with the claim that data stored in VIS are factually inaccurate or have been recorded unlawfully, it shall adopt without delay an administrative decision explaining in writing to the person concerned why it is not prepared to rectify or erase data relating to him or her.

4. That decision shall also provide the person concerned with information explaining the possibility to challenge the decision taken in respect of the request referred to in paragraph 2 and, where relevant, information on how to bring an action or a complaint before the competent authorities or courts and any assistance available to the person, including from the competent national supervisory authorities.

5. Any request made pursuant to paragraph 2 shall contain the necessary information to identify the person concerned. That information shall be used exclusively to enable the exercise of the rights referred to in paragraph 2.

6. The Member State responsible shall keep a record in the form of a written document that a request referred to in paragraph 2 was made and how it was addressed. It shall make that document available to the competent national data protection supervisory authorities without delay, and not later than seven days following the decision to rectify or erase data referred to in the second subparagraph of paragraph 2 or following the decision referred to in paragraph 3 respectively.; [Am. 138]

(31b) Article 39 is replaced by the following:

'Article 39

Cooperation to ensure the rights on data protection

1. The competent authorities of the Member States shall cooperate actively to enforce the rights laid down in Article 38.

2. In each Member State, the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 shall, upon request, assist and advise the data subject in exercising his or her right to rectify, complete or erase personal data relating to him or her or to restrict the processing of such data in accordance with Regulation (EU) 2016/679.

In order to achieve the aims referred to in the first subparagraph, the supervisory authority of the Member State responsible which transmitted the data and the supervisory authority of the Member State to which the request has been made shall cooperate with each other.; [Am. 139]

(31c) Article 40 is replaced by the following:

'Article 40

Remedies

1. Without prejudice to Articles 77 and 79 of Regulation (EU) 2016/679, in each Member State any person shall have the right to bring an action or a complaint before the competent authorities or courts of that Member State which refused the right of access to, or right of rectification, completion or erasure of data relating to him or her provided for in Article 38 of this Regulation. The right to bring such an action or complaint shall also apply in cases where requests for access, rectification, completion or erasure were not responded to within the deadlines provided for in Article 38 or were never dealt with by the data controller.

2. The assistance of the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 shall remain available throughout the proceedings.; [Am. 140]

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(31d) Article 41 is replaced by the following:

'Article 41

Supervision by the National Supervisory Authority

1. Each Member State shall ensure that the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 independently monitors the lawfulness of the processing of personal data pursuant to this Regulation by the Member State concerned.

2. The supervisory authority or authorities referred to in Article 51(1) of Regulation (EU) 2016/679 shall ensure that an audit of the data processing operations by the responsible national authorities is carried out in accordance with relevant international auditing standards at least every three years. The results of the audit may be taken into account in the evaluations conducted under the mechanism established by Council Regulation (EU) No 1053/2013. The supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 shall publish annually the number of requests for rectification, completion or erasure, or restriction of processing of data, the action subsequently taken and the number of rectifications, completions, erasures and restrictions of processing made in response to requests by the persons concerned.

3. Member States shall ensure that their supervisory authority has sufficient resources to fulfil the tasks entrusted to it under this Regulation and has access to advice from persons with sufficient knowledge of biometric data.

4. Member States shall supply any information requested by the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 and shall, in particular, provide it with information on the activities carried out in accordance with its responsibilities as laid down in this Regulation. Member States shall grant the supervisory authority referred to in Article 51(1) of Regulation (EU) 2016/679 access to their logs and allow it access at all times to all their interoperability related premises.'; [Am. 141]

(31e) Article 42 is replaced by the following:

'Article 42

Supervision by the European Data Protection Supervisor

1. The European Data Protection Supervisor shall be responsible for monitoring the personal data processing activities of eu-LISA, Europol and the European Border and Coast Guard Agency under this Regulation and for ensuring that such activities are carried out in accordance with Regulation (EU) 2018/1725 and with this Regulation.

2. The European Data Protection Supervisor shall ensure that an audit of eu-LISA's personal data processing activities is carried out in accordance with relevant international auditing standards at least every three years. A report of that audit shall be sent to the European Parliament, the Council, eu-LISA, the Commission and the Member States. eu-LISA shall be given an opportunity to make comments before the reports are adopted.

3. eu-LISA shall supply information requested by the European Data Protection Supervisor, give the European Data Protection Supervisor access to all documents and to its logs referred to in Articles 22r, 34 and 45b and allow the European Data Protection Supervisor access to all its premises at any time.'; [Am. 142]

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(32) in Article 43, paragraphs 1 and 2 are replaced by the following:

~~1. The European Data Protection Supervisor shall act in close cooperation with national supervisory authorities with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national supervisory authority finds major discrepancies between practices of Member States or finds potentially unlawful transfers using the communication channels of the interoperability components, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.~~

~~2. In the cases referred to in paragraph 1, coordinated supervision shall be ensured in accordance with Article 62 of Regulation (EU) XXXX/2018 [revised Regulation (EC) No 45/2001].; [Am. 143]~~

(32a) Article 43 is replaced by the following:

Article 43

Cooperation between National Supervisory Authorities and the European Data Protection Supervisor

1. The supervisory authorities and the European Data Protection Supervisor shall, each acting within the scope of their respective competences, cooperate actively within the framework of their respective responsibilities to ensure coordinated supervision of the interoperability components and the other provisions of this Regulation.

2. The European Data Protection Supervisor and the supervisory authorities shall exchange relevant information, assist each other in carrying out audits and inspections, examine any difficulties concerning the interpretation or application of this Regulation, assess problems in the exercise of independent supervision or in the exercise of the rights of the data subject, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.

3. For the purpose of paragraph 2, the supervisory authorities and the European Data Protection Supervisor shall meet at least twice a year within the framework of the European Data Protection Board. The costs of those meetings shall be borne by and their organisation shall be undertaken by the European Data Protection Board. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

4. A joint report of activities shall be sent by the European Data Protection Board to the European Parliament, to the Council, to the Commission, to Europol, to the European Border and Coast Guard Agency and to eu-LISA every two years. That report shall include a chapter on each Member State prepared by the supervisory authority of that Member State.'; [Am. 144]

(32b) Article 44 is deleted; [Am. 145]

(33) in Article 45, the following ~~paragraph 3~~ **paragraphs are** added:

'2a. The measures necessary for the development of the VIS Central System, the national interface in each Member State, and the communication infrastructure between the VIS Central System and the national interfaces concerning the following matters shall be adopted in accordance with the procedure referred to in Article 49(2):

(a) the design of the physical architecture of the system including its communication network;

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- (b) *technical aspects which have a bearing on the protection of personal data;*
- (c) *technical aspects which have serious financial implications for the budgets of the Member States or which have serious technical implications for the national systems of the Member States;*
- (d) *the development of security requirements, including biometric aspects.* [Am. 146]

3. The technical specifications for the quality, resolution and use of fingerprints and of the facial image for biometric verification and identification in the VIS shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).;

(34) the following Article 45a is inserted:

'Article 45a

Use of data for reporting and statistics

1. The duly authorised staff of the competent authorities of Member States, the Commission, eu-LISA and the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 shall have access to consult the following data, solely for the purposes of reporting and statistics without allowing for individual identification **as a result of the data being completely anonymous.** [Am. 147]

- (a) status information;
- (b) the competent authority, including its location;
- (c) sex, ~~date~~ **year** of birth and current nationality of the applicant; [Am. 148]
- (d) Member State of first entry, only as regards short stay visas;
- (e) date and place of the application and the decision concerning the application (issued or refused);
- (f) the type of document issued, i.e. whether ATV, uniform or LTV, long stay visa or residence permit;
- (g) the type of the travel document and the three letter code of the issuing country, only as regards short stay visas;
- (h) the grounds indicated for any decision ~~concerning the document or the application, only as regards to refuse a short stay visas; as regards long stay visas and residence permits, the decision concerning the application (whether to issue or to refuse the application and on which ground)~~ **visa, including the reference to any hits against Union information systems that are consulted, against Europol or Interpol data, against the watchlist referred to in Article 29 of Regulation (EU) 2018/1240 or against the specific risk indicators;** [Am. 149]
- (ha) **the grounds indicated for any decision to refuse a document, including the reference to any hits against Union information systems that are consulted, against Europol or Interpol data, against the watchlist referred to in Article 34 of Regulation (EU) 2018/1240 or against the specific risk indicators;** [Am. 150]
- (i) the competent authority, including its location, which refused the application and the date of the refusal, only as regards short stay visas;
- (j) the cases in which the same applicant applied for a short stay visa from more than one visa authority, indicating these visa authorities, their location and the dates of refusals, only as regards short stay visas;

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- (k) As regards short stay visa, main purpose(s) of the journey; ~~as regards long stay visas and residence permit, the purpose of the application;~~ [Am. 151]
- (l) the data entered in respect of any **visa** document withdrawn, annulled, revoked or whose validity is extended, as applicable; [Am. 152]
- (m) where applicable, the expiry date of the long stay visa or residence permit;
- (n) the number of persons exempt from the requirement to give fingerprints pursuant to Article 13(7) of Regulation (EC) No 810/2009.
- (o) the cases in which the data referred to in point (6) of Article 9 could factually not be provided, in accordance with the second sentence of Article 8(5);
- (p) the cases in which the data referred to in point (6) of Article 9 was not required to be provided for legal reasons, in accordance with the second sentence of Article 8(5);
- (q) the cases in which a person who could factually not provide the data referred to in point (6) of Article 9 was refused a visa, in accordance with the second sentence of Article 8(5).

The duly authorised staff of the European Border and Coast Guard Agency shall have access to consult the data referred to in the first subparagraph for the purpose of carrying out risk analyses and vulnerability assessments as referred to in Articles 11 and 13 of Regulation (EU) 2016/1624.

2. For the purpose of paragraph 1 of this Article, eu-LISA shall store the data referred to in that paragraph in the central repository for reporting and statistics referred to in [Article 39 of the Regulation 2018/XX [on interoperability (**borders and visas**)]

3. The procedures put in place by eu-LISA to monitor the functioning of the VIS referred to in Article 50(1) shall include the possibility to produce regular statistics for ensuring that monitoring.

4. Every quarter, eu-LISA shall compile statistics based on the VIS data on short stay visas showing, for each location where a visa was lodged, in particular:

- (a) total of airport transit visas applied for, including for multiple airport transit visas;
- (b) total of visas issued, including multiple A visas;
- (c) total of multiple visas issued;
- (d) total of visas not issued, including multiple A visas;
- (e) total of uniform visas applied for, including multiple-entry uniform visas;
- (f) total of visas issued, including multiple-entry visas;
- (g) total of multiple-entry visas issued, divided by length of validity (below 6 months, 1 year, 2 years, 3 years, 4 years, 5 years),
- (h) total of uniform visas not issued, including multiple-entry visas;
- (i) total of visas with limited territorial validity issued.

The daily statistics shall be stored in the central repository for reporting and statistics.

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5. Every quarter, eu-LISA shall compile statistics based on the VIS data on long-stay visas and residence permits showing, for each location, in particular:

(a) total of long-stay visas applied for, issued, refused, extended and withdrawn;

(b) total of residence permits applied for, issued, refused, extended and withdrawn.

6. At the end of each year, statistical data shall be compiled in ~~the form of quarterly statistics~~ **an annual report** for that year. The statistics shall contain a breakdown of data for each Member State. **The report shall be published and transmitted to the European Parliament, to the Council, to the Commission, to the European Border and Coast Guard Agency, to the European Data Protection Supervisor and to the national supervisory authorities.** [Am. 153]

7. At the request of the Commission, eu-LISA shall provide it with statistics on specific aspects related to the implementation of the common visa policy or of the migration policy, including on aspects pursuant to the application of Regulation (EU) No 1053/2013.;

(35) the following Articles 45b, 45c, 45d and 45e are inserted:

'Article 45b

Access to data for verification by carriers

1. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, air carriers, sea carriers and international carriers transporting groups overland by coach shall send a query to the VIS in order to verify whether or not third country nationals holding a short-stay visa, a long stay visa or a residence permit are in possession of a valid short stay visa, long stay visa or residence permit, as applicable. ~~For this purpose, as regards short stay visas~~ **In cases where passengers are not allowed to board due to a query in VIS**, carriers shall provide ~~the data listed under points (a), (b) and (c) of Article 9(4) of this Regulation or under points (a), (b) and (c) of Article 22c, as applicable~~ **passengers with that information and the means to exercise their rights to access, rectification and erasure of personal data stored in VIS.** [Am. 154]

2. For the purpose of implementing paragraph 1 or for the purpose of resolving any potential dispute arising from its application, eu-LISA shall keep logs of all data processing operations carried out within the carrier gateway by carriers. Those logs shall show the date and time of each operation, the data used for interrogation, the data transmitted by the carrier gateway and the name of the carrier in question.

Logs shall be stored for a period of two years. Logs shall be protected by appropriate measures against unauthorised access.

3. Secure access to the carrier gateway referred to in Article 1(2) (h) of Decision 2004/512/EC as amended by this Regulation **2a(h), including the possibility to use mobile technical solutions**, shall allow carriers to proceed with the query consultation referred to in paragraph 1 prior to the boarding of a passenger. ~~For this purpose, The carrier shall send the query to be permitted to consult the VIS using~~ **provide** the data contained in the ~~machine readable~~ **machine-readable** zone of the travel document **and indicate the Member State of entry. By way of derogation, in the case of airport transit, the carrier shall not be obliged to verify whether the third-country national is in possession of a valid short-stay visa, long-stay visa or residence permit, as applicable.** [Am. 155]

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4. The VIS shall respond by indicating whether or not the person has a valid ~~visa~~ **short-stay visa, long-stay visa or residence permit, as applicable**, providing the carriers with an OK/NOT OK answer. **If a short-stay visa has been issued with limited territorial validity in accordance with Article 25 of Regulation (EC) No 810/2009, the response provided by VIS shall take into account the Member State(s) for which the visa is valid as well as the Member State of entry indicated by the carrier. Carriers may store the information sent and the answer received in accordance with the applicable law. The OK/NOT OK answer shall not be regarded as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399. The Commission shall, by means of implementing acts, adopt detailed rules concerning the conditions for the operation of the carrier gateway and the data protection and security rules applicable. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 49(2).** [Am. 156]

5. An authentication scheme, reserved exclusively for carriers, shall be set up in order to allow access to the carrier gateway for the purposes of paragraph 2 to the duly authorised members of the carriers' staff. **When setting up the authentication scheme, information security risk management and the principles of data protection by design and by default shall be taken into account.** The authentication scheme shall be adopted by the Commission by means of implementing acts in accordance with the examination procedure referred to in Article 49(2). [Am. 157]

5a. **The carrier gateway shall make use of a separate read-only database updated on a daily basis via a one-way extraction of the minimum necessary subset of data stored in VIS. eu-LISA shall be responsible for the security of the carrier gateway, for the security of the personal data it contains and for the process of extracting the personal data into the separate read-only database.** [Am. 158]

5b. **The carriers referred to in paragraph 1 of this Article shall be subject to the penalties provided for in accordance with Article 26(2) of the Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ("the Convention implementing the Schengen Agreement") and Article 4 of Council Directive 2001/51/EC when they transport third-country nationals who, although subject to the visa requirement, are not in possession of a valid visa.** [Am. 159]

5c. **If third-country nationals are refused entry, any carrier which brought them to the external borders by air, sea and land shall be obliged to immediately assume responsibility for them again. At the request of the border authorities, the carriers shall be obliged to return the third-country nationals to one of either the third country from which they were transported, the third country which issued the travel document on which they travelled, or any other third country to which they are certain to be admitted.** [Am. 160]

5d. **By way of derogation from paragraph 1, for carriers transporting groups overland by coach, for the first three years following the start of application of this Regulation, the verification referred to in paragraph 1 shall be optional and the provisions referred to in paragraph 5b shall not apply to them.** [Am. 161]

Article 45c

Fall-back procedures in case of technical impossibility to access data by carriers

1. Where it is technically impossible to proceed with the consultation query referred to in Article 45b(1), because of a failure of any part of the VIS ~~or for other reasons beyond the carriers' control~~, the carriers shall be exempted of the obligation to verify the possession of a valid visa or travel document by using the carrier gateway. Where such

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failure is detected by the Management Authority *eu-LISA*, it shall notify the carriers. It shall also notify the carriers when the failure is remedied. Where such failure is detected by the carriers, they may notify the Management Authority *eu-LISA*. [Am. 162]

1a. *The penalties referred to in Article 45b(5b) shall not be imposed on carriers in the cases referred to in paragraph 1 of this Article.* [Am. 163]

1b. *Where for other reasons than a failure of any part of VIS it is technically impossible for a carrier to proceed with the consultation query referred to in Article 45b(1) for a prolonged period of time, that carrier shall inform eu-LISA.* [Am. 164]

2. The details of the fall-back procedures shall be laid down in an implementing act adopted in accordance with the examination procedure referred to in Article 49(2).

Article 45d

Access to VIS data by European Border and Coast Guard teams

1. To exercise the tasks and powers pursuant to Article 40(1) of Regulation (EU) 2016/1624 of the European Parliament and of the Council (*) and in addition to the access provided for in Article 40(8) of that Regulation, the members of the European Border and Coast Guard teams, ~~as well as teams of staff involved in return-related operations,~~ shall, within their mandate, have the right to access and search data entered in VIS. [Am. 165]

2. To ensure the access referred to in paragraph 1, the European Border and Coast Guard Agency shall designate a specialised unit with duly empowered European Border and Coast Guard officials as the central access point. The central access point shall verify that the conditions to request access to the VIS laid down in Article 45e are fulfilled.

Article 45e

Conditions and procedure for access to VIS data by European Border and Coast Guard teams

1. In view of the access referred to in paragraph 1 of Article 45d, a European Border and Coast Guard team may submit a request for the consultation of all data or a specific set of data stored in the VIS to the European Border and Coast Guard central access point referred to in Article 45d(2). The request shall refer to the operational plan on border checks, **and** border surveillance ~~and/or return~~ of that Member State on which the request is based. Upon receipt of a request for access, the European Border and Coast Guard central access point shall verify whether the conditions for access referred to in paragraph 2 are fulfilled. If all conditions for access are fulfilled, the duly authorised staff of the central access point shall process the requests. The VIS data accessed shall be transmitted to the team in such a way as not to compromise the security of the data. [Am. 166]

2. For the access to be granted, the following conditions shall apply:

a) the host Member State authorises the members of the team to consult VIS in order to fulfil the operational aims specified in the operational plan on border checks, **and** border surveillance ~~and return~~, and [Am. 167]

b) the consultation of VIS is required for performing the specific tasks entrusted to the team by the host Member State.

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3. In accordance with Article 40(3) of Regulation (EU) 2016/1624, members of the teams, ~~as well as teams of staff involved in return-related tasks~~ may only act in response to information obtained from the VIS under instructions from and, as a general rule, in the presence of border guards ~~or staff involved in return-related tasks~~ of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf. **[Am. 168]**
4. In case of doubt or if the verification of the identity of the visa holder, long stay visa holder or residence permit holder fails, the member of the European Border and Coast Guard team shall refer the person to a border guard of the host Member State.
5. Consultation of the VIS data by members of the teams shall take place as follows:
- a) When exercising tasks related to border checks pursuant to Regulation (EU) 2016/399, the members of the teams shall have access to VIS data for verification at external border crossing points in accordance with Articles 18 or 22 g of this Regulation respectively;
 - b) When verifying whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled, the members of the teams shall have access to the VIS data for verification within the territory of third country nationals in accordance with Articles 19 or 22h of this Regulation respectively;
 - c) When identifying any person that may not or may no longer fulfil the conditions for the entry to, stay or residence on the territory of the Member States, the members of the teams shall have access to VIS data for identification in accordance with Article 20 of this Regulation.
6. Where such access and search reveal the existence of a hit in VIS, the host Member State shall be informed thereof.
7. Every log of data processing operations within the VIS by a member of the European Border and Coast Guard teams ~~or teams of staff involved in return-related tasks~~ shall be kept by the Management Authority in accordance with the provisions of Article 34. **[Am. 169]**
8. Every instance of access and every search made by the European Border and Coast Guard Agency shall be logged in accordance with the provisions of Article 34 and every use made of data accessed by the European Border and Coast Guard Agency *teams* shall be registered. **[Am. 170]**
9. ~~Except where necessary to perform the tasks for the purposes of the Regulation establishing a European Travel Information and Authorisation System (ETIAS),~~ No parts of VIS shall be connected to any computer system for data collection and processing operated by or at the European Border and Coast Guard Agency nor shall the data contained in VIS to which the European Border and Coast Guard Agency has access be transferred to such a system. No part of VIS shall be downloaded. The logging of access and searches shall not be construed as constituting to be the downloading or copying of VIS data. **[Am. 171]**
10. Measures to ensure security of data as provided for in Articles 32 shall be adopted and applied by the European Border and Coast Guard Agency.

(*) Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

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(35a) *Articles 46, 47 and 48 are deleted; [Ams. 172, 173 and 174]*

(35b) *the following Article is inserted:*

'Article 48a

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 9cb and Article 23 shall be conferred on the Commission for a period of five years from ... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 9cb and Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 9cb and Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'; [Am. 175]

(36) Article 49 is replaced by the following:

'Article 49

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ().*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).';

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(37) the following Article 49a is inserted:

'Article 49a

Advisory group

An Advisory Group shall be established by eu-LISA and provide it with the expertise related to the VIS in particular in the context of the preparation of its annual work programme and its annual activity report.;

(38) Article 50 is replaced by the following:

'Article 50

Monitoring and evaluation **of impact on fundamental rights** [Am. 176]

1. ~~The Management Authority~~ **eu-LISA** shall ensure that procedures are in place to monitor the functioning of the VIS against objectives relating to output, cost-effectiveness, security and quality of service, **and to monitor the compliance with fundamental rights including the right of protection of personal data, the right to non-discrimination, the rights of the child and the right to an effective remedy.** [Am. 177]

2. For the purposes of technical maintenance, ~~the Management Authority~~ **eu-LISA** shall have access to the necessary information relating to the processing operations performed in the VIS. [Am. 178]

3. Every two years eu-LISA shall submit to the European Parliament, the Council and the Commission a report on the technical functioning of VIS, including ~~the its security thereof~~ **and costs. That report shall include an overview of the current progress of the development of the project and the associated costs, a financial impact assessment, and information on any technical issues and risks that may affect the overall cost of the system.** [Am. 179]

3a. In the event of delays in the development process, eu-LISA shall inform the European Parliament and the Council as soon as possible about the reasons for the delays and their impact in terms of time and finances. [Am. 180]

4. While respecting the provisions of national law on the publication of sensitive information, each Member State and Europol shall prepare annual reports on the effectiveness of access to VIS data for law enforcement purposes containing information and statistics on:

(a) the exact purpose of the consultation including the type of terrorist or serious criminal offence **and accesses to data on children below 12 years of age;** [Am. 181]

(b) reasonable grounds given for the substantiated suspicion that the suspect, perpetrator or victim is covered by this Regulation;

(c) the number of requests for access to the VIS for law enforcement purposes;

(ca) the number and type of cases in which the urgency procedures referred to in Article 22m(2) were used, including those cases where the urgency was not accepted by the ex post verification carried out by the central access point; [Am. 182]

(d) the number and type of cases which have ended in successful identifications.

(da) statistics on child trafficking, including cases of successful identifications. [Am. 183]

Member States' and Europol's annual reports shall be transmitted to the Commission by 30 June of the subsequent year. **The Commission shall compile the annual reports into a comprehensive report to be published by 30 December of the same year.** [Am. 184]

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5. Every ~~four~~ **two** years, the Commission shall produce an overall evaluation of the VIS. This overall evaluation shall include an examination of results achieved against objectives **and costs sustained** and an assessment of the continuing validity of the underlying rationale, **and its impact on fundamental rights**, the application of this Regulation in respect of the VIS, the security of the VIS, the use made of the provisions referred to in Article 31 and any implications for future operations. The Commission shall transmit the evaluation to the European Parliament and the Council. [Am. 185]

6. Member States shall provide the Management Authority and the Commission with the information necessary to draft the reports referred to in paragraph 3, 4 and 5.

7. The Management Authority shall provide the Commission with the information necessary to produce the overall evaluations referred to in paragraph 5.;

~~(39) The title of annex 1 is replaced by the following:~~

~~List of international organisations referred to in Article 31(1):~~ [Am. 186]

(40) After Article 22, the following chapters IIIa and IIIb are inserted:

CHAPTER IIIa

ENTRY AND USE OF DATA ON LONG STAY VISAS AND RESIDENCE PERMITS

Article 22a

Procedures for entering data upon decision on an application for a long stay visa or residence permit

1. Upon decision on an application for a long stay visa or residence permit, the authority that issued that decision shall create without delay the individual file, by entering the data referred to in Article 22c or Article 22d in the VIS.

1a. The authority competent to issue a decision shall create an individual file before issuing it. [Am. 187]

2. Upon creation of the individual file, the VIS shall automatically launch the query pursuant to Article 22b.

3. If the holder has applied as part of a group or with a family member, the authority shall create an individual file for each person in the group and link the files of the persons having applied together and who were issued a long stay visa or residence permit. **Applications from parents or legal guardians shall not be separated from those of their children.** [Am. 188]

4. Where particular data are not required to be provided in accordance with Union or national legislation or factually cannot be provided, the specific data field(s) shall be marked as 'not applicable'. In the case of fingerprints, the system shall permit a distinction to be made between the cases where fingerprints are not required to be provided in accordance with Union or national legislation and the cases where they cannot be provided factually.

Article 22b

Queries to other systems

1. Solely for the purpose of assessing whether the person could pose a threat to the public policy, or internal security ~~or public health~~ of the Member States, pursuant to Article 6(1)(e) of Regulation (EU) 2016/399, the files shall be automatically processed by the VIS to identify hit(s). The VIS shall examine each file individually. [Am. 189]

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2. Every time an individual file is created upon issuance or refusal pursuant to Article 22d of 22c in connection with a long-stay visa or residence permit, the VIS shall launch a query by using the European Search Portal defined in Article 6(1) of [the Interoperability Regulation (**borders and visas**)] to compare the relevant data referred to in Article 22c(2)(a), (b), (c), (f) and (g) of this Regulation. with the relevant data, in The VIS, the Schengen Information System (SIS), the Entry/Exit System (EES), the shall verify:

- (a) *whether the travel document used for the application corresponds to a travel document reported as lost, stolen, misappropriated or invalidated in SIS;*
- (b) *whether the travel document used for the application corresponds to a travel document reported as lost, stolen or invalidated in the SLTD database;*
- (c) *whether the applicant is subject to a refusal of entry and stay alert entered in SIS;*
- (d) *whether the applicant is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;*
- (e) *whether the applicant and the travel information and document correspond to a refused, revoked or annulled travel authorisation in the ETIAS Central System (ETIAS) including the watchlist;*
- (f) *whether the applicant and the travel document are in the watch list referred to in Article 29 34 of Regulation (EU) 2018/XX for the purposes of establishing a European Travel Information and Authorisation System, [the ECRIS-TCN system as far as convictions related to terrorist offences and other forms of serious criminal offences are concerned], the Europol data, the Interpol Stolen and Lost 2018/1240;*
- (g) *whether data on the applicant is already recorded in VIS on the same person;*
- (h) *whether the data provided in the application concerning the travel document database (SLTD), and the Interpol Travel Documents correspond to another application for a long-stay visa or residence permit associated with Notices database (Interpol TDAWN) different identity data;*
- (i) *whether the applicant is currently reported as an overstayer or whether he or she has been reported as an overstayer in the past in the EES;*
- (j) *whether the applicant is recorded as having been refused entry in the EES;*
- (k) *whether the applicant has been subject to a decision to refuse, annul or revoke a short-stay visa recorded in VIS;*
- (l) *whether the applicant has been subject to a decision to refuse, annul or revoke a long-stay visa or residence permit recorded in VIS;*
- (m) *whether data specific to the identity of the applicant are recorded in Europol data;*
- (n) *in cases where the applicant is a minor, whether the applicant's parental authority or legal guardian:*
 - (i) *is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes in SIS;*

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(ii) *is subject to a refusal of entry and stay alert in SIS;*

(iii) *holds a travel document in the watch list referred to in Article 34 of Regulation (EU) 2018/1240.*

This paragraph must not impede the submission of an application for asylum on any grounds. If a visa application is submitted by a victim of violent crime such as domestic violence or trafficking in human beings committed by their sponsor, the file submitted to VIS shall be separated from that of the sponsor in order to protect the victim from further danger.

To avoid the risk of false hits, any query concerning children under the age of 14 or people older than 75 years carried out with biometric identifiers taken more than five years before the match and which that does not confirm the identity the third-country national, shall be subject to a compulsory manual check by experts on biometric data. [Am. 190]

3. The VIS shall add a reference to any hit obtained pursuant to paragraphs (2) and (5) to the individual file. Additionally, the VIS shall identify, where relevant, the Member State(s) that entered or supplied the data having triggered the hit(s) or Europol, and shall record this in the individual file. **No information other than the reference to any hit and the originator of the data shall be recorded.** [Am. 191]

3a. When querying SLTD, the data used by the user of the ESP to launch a query shall not be shared with the owners of Interpol data. [Am. 192]

4. For the purposes of Article 2(2)(f) in respect of an issued or extended long stay ~~visa~~ **the visa** the queries carried out under ~~22b paragraph~~ **paragraph 2** of this Article shall compare the relevant data referred to in Article 22c(2), to the data present in the SIS in order to determine whether the holder is subject to one of the following alerts: [Am. 193]

(a) an alert in respect of persons wanted for arrest for surrender purposes or extradition purposes;

(b) an alert in respect of missing persons;

(c) an alert in respect of persons sought to assist with a judicial procedure;

(d) an alert on persons and objects for discreet checks ~~or~~ specific checks **or inquiry checks.** [Am. 194]

~~Where the comparison referred to in this paragraph reports one or several hit(s), the VIS shall send an automated notification to the central authority of the Member State that launched the request and shall take any appropriate follow-up action. Article 9a(5a), (5b), (5c), (5d), and Articles 9c, 9ca, 9cb shall apply mutatis mutandis subject to the following specific provisions.~~ [Am. 195]

5. As regards the consultation of EES, ETIAS and VIS data pursuant to paragraph 2, the hits shall be limited to indicating refusals of a travel authorisation, of entry or of a visa which are based on security grounds.

~~6. Where the long stay visa or residence permit is issued or extended by a consular authority of a Member State, Article 9a shall apply.~~ [Am. 196]

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~~7. Where the residence permit is issued or extended or where a long stay visa is extended by an authority in the territory of a Member State, the following apply:~~

- ~~(a) that authority shall verify whether the data recorded in the individual file corresponds to the data present in the VIS, or one of the consulted EU information systems/databases, the Europol data, or the Interpol databases pursuant to paragraph 2;~~
- ~~(b) where the hit pursuant to paragraph 2 is related to Europol data, the Europol national unit shall be informed for follow up;~~
- ~~(c) where the data do not correspond, and no other hit has been reported during the automated processing pursuant to paragraphs 2 and 3, the authority shall delete the false hit from the application file;~~
- ~~(d) where the data correspond to or where doubts remain concerning the identity of the applicant, the authority shall take action on the data that triggered the hit pursuant to paragraph 4 according to the procedures, conditions and criteria provided by EU and national legislation. [Am. 197]~~

Article 22c

Individual file to be created for a long stay visa or residence permit issued

An individual file created pursuant to Article 22a(1) shall contain the following data:

- (1) the authority which issued the document, including its location;
- (2) the following data of the holder:
 - (a) surname (family name); first name(s); ~~date~~ **year** of birth; current nationality or nationalities; sex; ~~date~~, place and country of birth; **[Am. 198]**
 - (b) type and number of the travel document and the three letter code of the issuing country of the travel document;
 - (c) the date of expiry of the validity of the travel document;
 - (cc) authority which issued the travel document;
 - (d) in the case of minors, surname and first name(s) of the holder's parental authority or legal guardian;
 - (e) the surname, first name and address of the natural person or the name and address of the employer or any other organisation on which the application was based;
 - (f) a facial image of the holder, ~~where possible~~ taken live; **[Am. 199]**
 - (g) two fingerprints of the holder, in accordance with the relevant Union and national legislation;
- (3) the following data concerning the long stay visa or residence permit issued:
 - (a) status information indicating that a long-stay visa or residence permit has been issued;
 - (b) place and date of the decision to issue the long-stay visa or residence permit;
 - (c) the type of document issued (long-stay visa or residence permit);

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- (d) the number of the issued long-stay visa or residence permit;
- (e) the expiry date of the long-stay visa or residence permit.

Article 22d

Individual file to be created in certain cases of refusal of a long stay visa or residence permit

Where a decision has been taken to refuse a long stay visa or a residence permit because the applicant is considered to pose a threat to public policy, ~~or internal security or to public health~~ or the applicant has presented documents which were fraudulently acquired, or falsified, or tampered with, the authority which refused it shall create without delay an individual file with the following data: **[Am. 200]**

- a) surname, surname at birth (former surname(s)); first name(s); sex; date, place and country of birth;
- b) current nationality and nationality at birth;
- c) type and number of the travel document, the authority which issued it and the date of issue and of expiry;
- d) in the case of minors, surname and first name(s) of the applicant's parental authority or legal guardian;
- e) the surname, first name and address of the natural ~~person~~ **person on** whom the application is based; **[Am. 201]**
- f) a facial image of the applicant, ~~where possible~~ taken live; **[Am. 202]**
- g) two fingerprints of the applicant, in accordance with the relevant Union and national legislation;
- h) information indicating that the long-stay visa or residence permit has been refused because the applicant is considered to pose a threat to public policy, ~~or public security or to public health~~, or because the applicant presented documents which were fraudulently acquired, or falsified, or tampered with; **[Am. 203]**
- i) the authority that refused the long-stay visa or residence permit, including its location;
- j) place and date of the decision to refuse the long stay-visa or residence permit.

Article 22e

Data to be added for a long stay visa or residence permit withdrawn

1. Where a decision has been taken to withdraw a residence permit or long-stay visa or to shorten the validity period of a long stay visa, the authority that has taken the decision shall add the following data to the individual file:

- (a) status information indicating that the long-stay visa or residence permit has been withdrawn or, in the case of a long stay visa, that the validity period has been shortened;
- (b) authority that withdrew the long-stay visa or residence permit or shortened the validity period of the long stay visa, including its location;
- (c) place and date of the decision;
- (d) the new expiry date of the validity of the long stay visa, where appropriate;
- (e) the number of the visa sticker, if the reduced period takes the form of a new visa sticker.

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2. The individual file shall also indicate the ground(s) for withdrawal of the long-stay visa or residence permit or shortening of the validity period of the long stay visa, in accordance with point (h) of Article 22d.

Article 22f

Data to be added for a long stay visa or residence permit extended

Where a decision has been taken to extend a residence permit or a long-stay visa, the authority which extended it shall add the following data to the individual file:

- (a) status information indicating that the long-stay visa or residence permit has been extended;
- (b) the authority that extended the long-stay visa or residence permit, including its location;
- (c) place and date of the decision;
- (d) in the case of a long stay visa, the number of the visa sticker, if the extension of the long-stay visa takes the form of a new visa sticker;
- (e) the expiry date of the extended period.

Article 22 g

Access to data for verification of long stay visas and residence permits at external border crossing points

1. For the sole purpose of verifying the identity of the document holder and/or the authenticity and the validity of the long-stay visa or residence permit and whether the person is not considered to be a threat to public policy, ~~or internal security or public health~~ of any of the Member States in accordance with Article 6(1)(e) of Regulation (EU) 2016/399, the competent authorities for carrying out checks at external border crossing points in accordance with that Regulation shall have access to search using the number of the document in combination with one or several of the data in Article 22c(2)(a), (b) and (c) of this Regulation. **[Am. 204]**

2. If the search with the data listed in paragraph 1 indicates that data on the document holder are recorded in the VIS, the competent border control authority shall be given access to consult the following data of the individual file, solely for the purposes referred to in paragraph 1:

- (a) the status information of the long-stay visa or residence permit indicating if it has been issued, withdrawn or extended;
- (b) data referred to in Article 22c(3)(c), (d), and (e);
- (c) where applicable, data referred to in Article 22e(1)(d) and (e);
- (d) where applicable, data referred to in Article 22f(d) and (e);
- (e) ~~photographs~~ **facial images** as referred to in Article 22c(2)(f). **[Am. 205]**

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Article 22h

Access to data for verification within the territory of the Member States

1. For the sole purpose of verifying the identity of the holder and the authenticity and the validity of the long-stay visa or residence permit ~~or whether the person is not a threat to public policy, internal security or public health of any of the Member States~~, the authorities competent for carrying out checks within the territory of the Member States as to whether the conditions for entry to, stay or residence on the territory of the Member States are fulfilled and, ~~as applicable, police authorities~~, shall have access to search using the number of the long-stay visa or residence permit in combination with one or several of the data in Article 22c(2)(a), (b) and (c). [**Am. 206**]

2. If the search with the data listed in paragraph 1 indicates that data on the holder are recorded in the VIS, the competent authority shall be given access to consult the following data of the individual file as well as, if applicable, of linked file(s) pursuant to Article 22a(4), solely for the purposes referred to in paragraph 1:

- (a) the status information of the long-stay visa or residence permit indicating if it has been issued, withdrawn or extended;
- (b) data referred to in Article 22c(3)(c), (d), and (e);
- (c) where applicable, data referred to in Article 22e(1)(d) and (e);
- (d) where applicable, data referred to in Article 22f(d) and (e);
- (e) ~~photographs~~ **facial images** as referred to in Article 22c(2)(f). [**Am. 207**]

Article 22i

Access to data for determining the responsibility for applications for international protection

1. For the sole purpose of determining the Member State responsible for examining an application for international protection in accordance with Article 12 of Regulation (EU) No 604/2013, the competent asylum authorities shall have access to search with the fingerprints of the applicant for international protection.

Where the fingerprints of the applicant for international protection cannot be used or the search with the fingerprints fails, the search shall be carried out using the number of the long stay visa or residence permit in combination with the data in Article 22c(2)(a), (b) and (c).

2. If the search with the data listed in paragraph 1 indicates that a long-stay visa or residence permit is recorded in the VIS, the competent asylum authority shall be given access to consult the following data of the application file, and as regards the data listed in point (g) of linked application file(s) of the spouse and children, pursuant to Article 22a(4), for the sole purpose referred to in paragraph 1:

- (a) the authority that issued or extended the long-stay visa or residence permit;
- (b) the data referred to in Article 22c(2)(a) and (b);
- (c) the type of document;
- (d) the period of validity of the long-stay visa or residence permit;

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(f) photographs as referred to in Article 22c(2)(f);

(g) the data referred to in Article 22c(2)(a) and (b) of the linked application file(s) on the spouse and children.

3. The consultation of the VIS pursuant to paragraphs 1 and 2 of this Article shall be carried out only by the designated national authorities referred to in Article 27 of Regulation (EU) No 603/2013 of the European Parliament and of the Council (*).

Article 22j

Access to data for examining the application for international protection

1. For the sole purpose of examining an application for international protection, the competent asylum authorities shall have access in accordance with Article 27 of Regulation (EU) No 603/2013 to search with the fingerprints of the applicant for international protection.

Where the fingerprints of the applicant for international protection cannot be used or the search with the fingerprints fails, the search shall be carried out using the number of the long stay visa or residence document in combination with the data in Article 22c(2)(a), (b) and (c), or a combination of data in Article 22d(a), (b), (c) and (f).

2. If the search with the data listed in paragraph 1 indicates that data on the applicant for international protection is recorded in the VIS, the competent asylum authority shall have access to consult, for the sole purpose referred to in paragraph 1, the data entered in respect of any long-stay visa or residence permit issued, refused, withdrawn or whose validity is extended, referred to in Articles 22c, 22d, 22e and 22f of the applicant and of the linked application file(s) of the applicant pursuant to Article 22a(3).

3. The consultation of the VIS pursuant to paragraphs 1 and 2 of this Article shall be carried out only by the designated national authorities referred to in Article 27 of Regulation (EU) No 603/2013.

CHAPTER IIIb

Procedure and conditions for access to the VIS for law enforcement purposes

Article 22k

Member States' designated authorities

1. Member States shall designate the authorities which are entitled to consult the data stored in the VIS in order to prevent, detect and investigate terrorist offences or other serious criminal offences **in appropriate and strictly defined circumstances as referred to in Article 22n. Those authorities shall only be allowed to consult data of children below 12 years of age to protect missing children and children who are victims of serious crimes.** [Am. 208]

2. Each Member State shall keep a **strictly limited** list of the designated authorities. Each Member State shall notify eu-LISA and the Commission of its designated authorities and may at any time amend or replace its notification. [Am. 209]

3. Each Member State shall designate a central access point which shall have access to the VIS. The central access point shall verify that the conditions to request access to the VIS laid down in Article 22n are fulfilled.

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The designated authority and the central access point may be part of the same organisation if permitted under national law, but the central access point shall act fully independently of the designated authorities when performing its tasks under this Regulation. The central access point shall be separate from the designated authorities and shall not receive instructions from them as regards the outcome of the verification which it shall perform independently.

Member States may designate more than one central access point to reflect their organisational and administrative structure in the fulfilment of their constitutional or legal requirements.

4. Each Member State shall notify eu-LISA and the Commission of its central access point and may at any time amend or replace its notification.

5. At national level, each Member State shall keep a list of the operating units within the designated authorities that are authorised to request access to data stored in the VIS through the central access point(s).

6. Only duly empowered staff of the central access point(s) shall be authorised to access the VIS in accordance with Articles 22m and 22n.

Article 22l

Europol

1. Europol shall designate one of its operating units as 'Europol designated authority' and shall authorise it to request access to the VIS through the VIS designated central access point referred to in paragraph 2 in order to support and strengthen action by Member States in preventing, detecting and investigating terrorist offences or other serious criminal offences.

2. Europol shall designate a specialised unit with duly empowered Europol officials as the central access point. The central access point shall verify that the conditions to request access to the VIS laid down in Article 22p are fulfilled.

The central access point shall act **fully** independently when performing its tasks under this Regulation and shall not receive instructions from the Europol designated authority referred to in paragraph 1 as regards the outcome of the verification. [**Am. 210**]

Article 22m

Procedure for access to the VIS for law enforcement purposes

1. The operating units referred to in Article 22k(5) shall submit a reasoned electronic or written request to the central access points referred to in Article 22k(3) for access to data stored in the VIS. Upon receipt of a request for access, the central access point(s) shall verify whether the conditions for access referred to in Article 22n are fulfilled. If the conditions for access are fulfilled, the central access point(s) shall process the requests. The VIS data accessed shall be transmitted to the operating units referred to in Article 22k(5) in such a way as to not compromise the security of the data.

2. In a case of exceptional urgency, where there is a need to prevent an imminent danger to the life of a person associated with a terrorist offence or another serious criminal offence, the central access point(s) shall process the request immediately and shall only verify ex post whether all the conditions of Article 22n are fulfilled, including whether a case of urgency actually existed. The ex post verification shall take place without undue delay and in any event no later than 7 working days after the processing of the request

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3. Where an ex post verification determines that the access to VIS data was not justified, all the authorities that accessed such data shall **immediately** erase the information accessed from the VIS and shall inform the central access points of the erasure. [Am. 211]

Article 22n

Conditions for access to VIS data by designated authorities of Member States

1. **Without prejudice to Article 22 of Regulation 2018/XX [on interoperability (borders and visas)]** designated authorities may access the VIS for consultation if all of the following conditions are met: [Am. 212]

- (a) access for consultation is necessary and proportionate for the purpose of the prevention, detection or investigation of a terrorist offences or another serious criminal offence;
- (b) access for consultation is necessary and proportionate in a specific case;
- (c) reasonable grounds exist to consider that the consultation of the VIS data will substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category covered by this Regulation;
- (ca) ***in case of searches with fingerprints, a prior search has been launched in the automated fingerprint identification system of the other Member States under Decision 2008/615/JHA where comparisons of fingerprints are technically available, and either that search has been fully carried out, or that search has not been fully carried out within 24 hours of being launched.*** [Am. 213]
- (d) where a query to the CIR was launched in accordance with Article 22 of Regulation 2018/XX [on interoperability (***borders and visas***)], the reply received as referred to in paragraph 5 of [Article 22 of Regulation 2018/XX [***on interoperability (borders and visas)***]] reveals that data is stored in the VIS." [Am. 214]

2. The condition provided in point (d) of paragraph 1 does not need to be fulfilled for situations where the access to the VIS is needed as a tool to consult the visa history or the periods of authorised stay on the territory of the Member States of a known suspect, perpetrator or suspected victim of a terrorist offence or other serious criminal offence.

3. Consultation of the VIS shall be limited to searching with any of the following data in the **application file or** individual file: [Am. 215]

- (a) surname(s) (family name), first name(s) (given names), ~~date~~ **year** of birth, nationality or nationalities and/or sex; [Am. 216]
- (b) type and number of travel document or documents, three letter code of the issuing country and date of expiry of the validity of the travel document;
- (c) visa sticker number or number of the long-stay visa or residence document and the date of expiry of the validity of the visa, long-stay visa or residence document, as applicable;

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(d) fingerprints, including latent fingerprints;

(e) facial image.

3a. The Commission shall present a report to the European Parliament and to the Council on the feasibility, availability, readiness and reliability of the required technology to use facial images to identify a person. [Am. 217]

3b. The facial image referred to in point (e) of paragraph 3 shall not be the only search criterion. [Am. 218]

4. Consultation of the VIS shall, in the event of a hit, give access to the data listed in ~~this~~ paragraph 3 of **this Article** as well as to any other data taken from the **application file or** individual file, including data entered in respect of any document issued, refused, annulled, revoked or extended. Access to the data referred to in point (4)(l) of Article 9 ~~as~~ **9 as** recorded in the application file shall only be given if consultation of that data was ~~explicitly~~ **explicitly** requested in a reasoned request and approved by independent verification. [Am. 219]

Article 22o

Access to VIS for identification of persons in specific circumstances

By derogation from Article 22n(1), designated authorities shall not be obliged to fulfil the conditions laid down in that paragraph to access the VIS for the purpose of identification of persons, **particularly children**, who had gone missing, abducted or identified as victims of trafficking in human beings and in respect of whom there are ~~reasonable~~ **serious** grounds to consider that consultation of VIS data will support their identification, ~~and/or~~ **and** contribute in investigating specific cases of human trafficking. In such circumstances, the designated authorities may search in the VIS with the fingerprints of those persons. [Am. 220]

Where the fingerprints of those persons cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in points (a) and (b) of Article 9(4) **or points (a) and (b) of Article 22c(2)**. [Am. 221]

Consultation of the VIS shall, in the event of a hit, give access to any of the data in Article 9, **Article 22c or Article 22d**, as well as to the data in Article 8(3) and (4) **or Article 22a(3)**. [Am. 222]

Article 22p

Procedure and conditions for access to VIS data by Europol

1. Europol shall have access to consult the VIS where all the following conditions are met:

(a) the consultation is necessary and proportionate to support and strengthen action by Member States in preventing, detecting or investigating terrorist offences or other serious criminal offences falling under Europol's mandate;

(b) the consultation is necessary and proportionate in a specific case;

(c) reasonable grounds exist to consider that the consultation of the VIS data will substantially contribute to the prevention, detection or investigation of any of the criminal offences in question, in particular where there is a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls under a category covered by this Regulation;

(d) where a query to the CIR was launched in accordance with Article 22 of Regulation 2018/XX [on interoperability (**borders and visas**)], the reply received as referred to in Article 22(3) of that Regulation reveals that data is stored in the VIS.

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2. The conditions laid down in Article 22n(2), (3) and (4) shall apply accordingly.
3. Europol's designated authority may submit a reasoned electronic request for the consultation of all data or a specific set of data stored in the VIS to the Europol central access point referred to in Article ~~22k(3)~~ **22l(2)**. Upon receipt of a request for access the Europol central access point shall verify whether the conditions for access referred to in paragraphs 1 and 2 are fulfilled. If all conditions for access are fulfilled, the duly authorised staff of the central access point(s) shall process the requests. The VIS data accessed shall be transmitted to the operating units referred to in Article 22l(1) in such a way as not to compromise the security of the data. **[Am. 223]**
4. The processing of information obtained by Europol from consultation with VIS data shall be subject to the authorisation of the Member State of origin. That authorisation shall be obtained via the Europol national unit of that Member State.

Article 22q

Logging and documentation

1. Each Member State and Europol shall ensure that all data processing operations resulting from requests to access to VIS data in accordance with Chapter ~~III~~ **IIIb are recorded** or documented for the purposes of ~~checking~~ **monitoring** the admissibility of the request, monitoring the lawfulness of the data processing and data integrity and security, and **possible impact on fundamental rights, and** self-monitoring.

The records or documents shall be protected by appropriate measures against unauthorised access and erased two years after their creation, unless they are required for monitoring procedures that have already begun. **[Am. 224]**

2. The log or documentation shall show, in all cases:
 - (a) the exact purpose of the request for access to VIS data, including the terrorist offence or other serious criminal offence concerned and, for Europol, the exact purpose of the request for access;
 - (b) the national file reference;
 - (c) the date and exact time of the request for access by the central access point to the VIS Central System;
 - (d) the name of the authority which requested access for consultation;
 - (e) where applicable, the decision taken with regard to the ex-post verification;
 - (f) the data used for consultation;
 - (g) in accordance with national rules or with Regulation (EU) 2016/794 **or, where applicable, Regulation (EU) 2018/1725**, the unique user identity of the official who carried out the search and of the official who ordered the search. **[Am. 225]**

3. Logs and documentation shall be used only for monitoring the lawfulness of data processing, **for monitoring the impact on fundamental rights**, and for ensuring data integrity and security. Only logs which do not contain personal data may be used for the monitoring and evaluation referred to in Article 50 of this Regulation. The supervisory authority established in accordance with Article 41(1) of Directive (EU) 2016/680, which is responsible for ~~checking the admissibility of the request and~~ monitoring the lawfulness of the data processing and data integrity and security, shall have access to these logs at its request for the purpose of fulfilling its duties. **[Am. 226]**

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Article 22r

Conditions for access to VIS data by designated authorities of a Member State in respect of which this Regulation has not yet been put into effect

1. Access to the VIS for consultation by designated authorities of a Member State in respect of which this Regulation has not yet been put into effect shall take place where the following conditions are met:

- (a) the access is within the scope of their powers;
- (b) the access is subject to the same conditions as referred to in Article 22n(1);
- (c) the access is preceded by a duly reasoned written or electronic request to a designated authority of a Member State to which this Regulation applies; that authority shall then request the national central access point(s) to consult the VIS.

2. A Member State in respect of which this Regulation has not yet been put into effect shall make its visa information available to Member States to which this Regulation applies, on the basis of a duly reasoned written or electronic request, subject to compliance with the conditions laid down in Article 22n(1).

Article 22ra

Protection of personal data accessed in accordance with Chapter IIIb

1. Each Member State shall ensure that the national laws, regulations and administrative provisions adopted pursuant to Directive (EU) 2016/680 are also applicable to the access to VIS by its national authorities under this chapter, including in relation to the rights of the persons whose data are so accessed.

2. The supervisory authority referred to in Article 41(1) of Directive (EU) 2016/680 shall monitor the lawfulness of the access to personal data by the Member States in accordance with this Chapter, including their transmission to and from VIS. Article 41(3) and (4) of this Regulation shall apply accordingly.

3. The processing of personal data by Europol pursuant to this Regulation shall be carried out in accordance with Regulation (EU) 2016/794 and shall be supervised by the European Data Protection Supervisor.

4. Personal data accessed in VIS in accordance with this Chapter shall only be processed for the purposes of the prevention, detection or investigation of the specific case for which the data have been requested by a Member State or by Europol.

5. eu-LISA, the designated authorities, the central access points and Europol shall keep logs as referred to in Article 22q of the searches for the purpose of enabling the supervisory authority referred to in Article 41(1) of Directive (EU) 2016/680 and the European Data Protection Supervisor to monitor the compliance of data processing with Union and national data protection rules. With the exception of data held for that purpose, personal data and the records of searches shall be erased from all national and Europol files after 30 days, unless those data and records are required for the purposes of the specific ongoing criminal investigation for which they were requested by a Member State or by Europol. [Am. 227]

(*) Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

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Article 2

~~Amendments to~~ **Repeal of** Decision 2004/512/EC [Am. 228]

Article 1(2) of Decision 2004/512/EC is ~~replaced by the following:~~ **repealed. References to that Decision shall be construed as references to Regulation (EC) No 767/2008 and shall be read in accordance with the correlation table in Annex 2.**

~~2. The Visa Information System shall be based on a centralised architecture and consist of:~~

- ~~(a) the common identity repository as referred to in [Article 17(2)(a) of Regulation 2018/XX on interoperability];~~
- ~~(b) a central information system, hereinafter referred to as “the Central Visa Information System” (VIS);~~
- ~~(c) an interface in each Member State, hereinafter referred to as “the National Interface” (NI-VIS) which shall provide the connection to the relevant central national authority of the respective Member State, or a National Uniform Interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the Central System to connect to the national infrastructures in Member States;~~
- ~~(d) a communication infrastructure between the VIS and the National Interfaces;~~
- ~~(e) a Secure Communication Channel between the VIS and the EES Central System;~~
- ~~(f) a secure communication infrastructure between the VIS Central System and the central infrastructures of the European search portal established by [Article 6 of Regulation 2017/XX on interoperability], shared biometric matching service established by [Article 12 of Regulation 2017/XX on interoperability], the common identity repository established by [Article 17 of Regulation 2017/XX on interoperability] and the multiple identity detector (MID) established by [Article 25 of Regulation 2017/XX on interoperability];~~
- ~~(g) a mechanism of consultation on applications and exchange of information between central visa authorities (“VISMail”);~~
- ~~(h) a carrier gateway;~~
- ~~(i) a secure web service enabling communication between the VIS, on the one hand and the the carrier gateway, and the international systems (Interpol systems/databases), on the other hand;~~
- ~~(j) a repository of data for the purposes of reporting and statistics.~~

~~The Central System, the National Uniform Interfaces, the web service, the carrier gateway and the Communication Infrastructure of the VIS shall share and re-use as much as technically possible the hardware and software components of respectively the EES Central System, the EES National Uniform Interfaces, the ETIAS carrier gateway, the EES web service and the EES Communication Infrastructure).: [Am. 229]~~

Article 3

Amendments to Regulation (EC) No 810/2009

Regulation (EC) No 810/2009 is amended as follows:

(1) in Article 10(3), point (c) is replaced by the following:

- ~~(c) present a photograph in accordance with the standards set out in Regulation (EC) No 1683/95 or,~~ **allow the live-taking of a facial image** upon a first application and subsequently at least every 59 months following that, in accordance with the standards set out in Article 13 of this Regulation.; [Am. 230]

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(2) Article 13 is amended as follows:

(a) in paragraph 2, the first indent is replaced by the following:

‘— a ~~photograph~~ **facial image** taken live ~~and collected digitally~~ at the time of the application.’; [Am. 231]

(b) in paragraph 3, the first subparagraph is replaced by the following:

‘Where fingerprints and a live photograph of sufficient quality were collected from the applicant and entered in the VIS as part of an application lodged less than 59 months before the date of the new application, these ~~data~~ **may shall** be copied to the subsequent application.’; [Am. 232]

(c) in paragraph 7, point (a) is replaced by the following:

‘(a) children under the age of 6 **and persons over the age of 70**’; [Am. 253]

(d) paragraph 8 is deleted;

(3) Article 21 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. In respect of each application the VIS shall be consulted in accordance with Articles 8(2), 15 and 9a of the Regulation (EC) No 767/2008. Member States shall ensure that full use is made of all search criteria pursuant to these articles, in order to avoid false rejections and identifications’.

(b) the following paragraphs 3a and 3b are inserted:

‘3a. For the purpose of assessing the entry conditions provided for in paragraph 3, the consulate shall take into account the result of the verifications pursuant to Article 9c of the Regulation (EC) No 767/2008 of the following databases:

(a) SIS and the SLTD to check whether the travel document used for the application corresponds to a travel document reported lost, stolen or invalidated ~~in the and whether the travel document used for the application corresponds to a travel document recorded in a file in the Interpol TDAWN~~; [Am. 233]

(b) the ETIAS Central System to check whether the applicant correspond to a refused, revoked or annulled application for travel authorisation;

(c) the VIS to check whether the data provided in the application concerning the travel document correspond to another application for a visa associated with different identity data, as well as whether the applicant has been subject to a decision to refuse, revoke or annul a short stay visa;

(d) the EES to check whether the applicant is currently reported as overstayer, whether he has been reported as overstayer in the past or whether the applicant was refused entry in the past;

(e) the Eurodac to check whether the applicant was subject to a withdrawal or rejection of the application for international protection;

(f) the Europol data to check whether the data provided in the application corresponds to data recorded in this database;

~~(g) the ECRIS-TCN system to check whether the applicant corresponds to a person whose data is recorded in this database for terrorist offences or other serious criminal offences~~; [Am. 234]

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- (h) the SIS to check whether the applicant is subject to an alert in respect of persons wanted for arrest for surrender purposes on the basis of a European Arrest Warrant or wanted for arrest for extradition purposes.

The consulate shall have access to the application file and the linked application file(s), if any, as well as to all the results of the verifications pursuant to Article 9c of Regulation (EC) No 767/2008.

3b. The visa authority shall consult the multiple-identity detector together with the common identity repository referred to in Article 4(37) of Regulation 2018/XX [on interoperability (**borders and visas**)] or the SIS or both to assess the differences in the linked identities and shall carry out any additional verification necessary to take a decision on the status and colour of the link as well as to take a decision on the issuance or refusal of the visa of the person concerned.

In accordance with Article 59(1) of Regulation 2018/XX [on interoperability (**borders and visas**)], this paragraph shall apply only as from the start of operations of the multiple-identity detector.;

- (c) paragraph 4 is replaced by the following:

'4. The consulate shall verify, using the information obtained from the EES, whether the applicant will not exceed with the intended stay the maximum duration of authorised stay in the territory of the Member States, irrespective of possible stays authorised under a national long-stay visa or a residence permit issued by another Member State.;

- (4) the following Article 21a is inserted:

'Article 21a

Specific risk indicators

-1. The specific risk indicators shall be an algorithm enabling profiling as defined in point (4) of Article 4 of Regulation (EU) 2016/679 through the comparison of the data recorded in an application file with specific risk indicators pointing to security, illegal immigration or high epidemic risks. The specific risk indicators shall be registered in VIS. [Am. 235]

1. Assessment of The Commission shall adopt a delegated act in accordance with Article 51a to further define the risks related to security or illegal immigration or a high epidemic risks shall be based on the basis of: [Am. 236]

- (a) statistics generated by the EES indicating abnormal rates of overstayers and refusals of entry for a specific group of travellers holding a visa;
- (b) statistics generated by the VIS in accordance with Article 45a indicating abnormal rates of refusals of visa applications due to an irregular migration, **or security or public health risk associated with a specific group of travellers an applicant; [Am. 237]**
- (c) statistics generated by the VIS in accordance with Article 45a and the EES indicating correlations between information collected through the application form and overstay or refusals of entry;
- (d) information substantiated by factual and evidence-based elements provided by Member States concerning specific security risk indicators or threats identified by that Member State;

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- (e) information substantiated by factual and evidence-based elements provided by Member States concerning abnormal rates of overstayers and refusals of entry for a specific group of travellers for that Member State;
- (f) information concerning specific high epidemic risks provided by Member States as well as epidemiological surveillance information and risk assessments provided by the European Centre for Disease Prevention and Control (ECDC) and disease outbreaks reported by the World Health Organisation (WHO).

~~2. The Commission shall adopt an implementing act specifying the risks referred to in paragraph 1. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 52(2).~~
[Am. 238]

3. Based on the specific risks determined in accordance with **this Regulation and the delegated act referred to in paragraph 2** specific risk indicators shall be established, consisting of a combination of data including one or several of the following: [Am. 239]

- (a) age range, sex, nationality;
- (b) country and city of residence;
- (c) Member State(s) of destination;
- (d) Member State of first entry;
- (e) purpose of travel;
- (f) current occupation.

4. The specific risk indicators shall be targeted and proportionate. They shall in no circumstances be based solely on a person's sex or age. They shall in no circumstances be based on information revealing a person's race, colour, ethnic or social origin, genetic features, language, political or any other opinions, religion or philosophical belief, trade union membership, membership of a national minority, property, birth, disability or sexual orientation.

5. The specific risk indicators shall be adopted by the Commission by implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 52(2).

6. The specific risk indicators shall be used by the visa authorities when assessing whether the applicant presents a risk of illegal immigration, **or** a risk to the security of the Member States, ~~or a high epidemic risk~~ in accordance to Article 21(1). [Am. 240]

7. The specific risks and the specific risk indicators shall be regularly reviewed by the Commission **and the European Union Agency for Fundamental Rights**.; [Am. 241]

(4a) **Article 39 is replaced by the following:**

'Article 39

Conduct of staff and respect for fundamental rights

1. Member States' consulates shall ensure that applicants are received courteously. Consular staff shall fully respect human dignity when carrying out their duties.

2. Consular staff shall fully respect fundamental rights and observe the principles recognised by the Charter of Fundamental Rights of the European Union when carrying out their duties. Any measures taken shall be proportionate to the objectives pursued by such measures.

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3. *While performing their tasks, consular staff shall not discriminate against persons on any grounds such as sex, racial or ethnic origin, colour, social origin, genetic features, language, political or any opinion, membership of a national minority, property, birth, religion or belief, disability, age or sexual orientation. The best interests of the child shall be a primary consideration.*; [Am. 242]

(4b) *the following Article is inserted:*

'Article 39a

Fundamental Rights

When applying this Regulation, Member States shall act in full compliance with relevant Union law, including the Charter of Fundamental Rights of the European Union, relevant international law, including the Convention Relating to the Status of Refugees done at Geneva on 28 July 1951, obligations related to access to international protection, in particular the principle of non-refoulement, and fundamental rights. In accordance with the general principles of Union law, decisions under this Regulation shall be taken on an individual basis. The best interests of the child shall be a primary consideration.; [Am. 243]

(5) Article 46 is replaced by the following:

'Article 46

Compilation of statistics

The Commission shall, by 1 March each year, publish the compilation of the following annual statistics on visas per consulate and border crossing point where individual Member States process visa applications:

- (a) number of airport transit visas applied for, issued and refused;
- (b) number of uniform single entry, and multiple entry visa applied for, issued (disaggregated by length of validity: 1, 2, 3, 4 and 5 years) and refused;
- (c) number of visas with limited territorial validity issued.

These statistics shall be compiled on the basis of the reports generated by the central repository of data of the VIS in accordance with Article 17 of Regulation (EC) No 767/2008';

(5a) *the following Article is inserted:*

'Article 51a

Exercise of the delegation

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

2. *The power to adopt delegated acts referred to in Article 21a shall be conferred on the Commission for a period of five years from ... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

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3. *The delegation of power referred to in Article 21a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.*

5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

6. *A delegated act adopted pursuant to Article 21a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’; [Am. 244]*

(6) In Article 57, paragraphs 3 and 4 are deleted.

Article 4

Amendments to Regulation (EU) 2017/2226

Regulation (EU) 2017/2226 is amended as follows:

(1) in Article 9(2), the following sub-paragraph is added:

‘The EES shall provide the functionality for the centralised management of this list. The detailed rules on managing this functionality shall be laid down in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2) of this Regulation.’;

(2) in Article 13, paragraph 3 is replaced by the following:

*‘3. In order to fulfil their obligation under point (b) of Article 26(1) of the Convention implementing the Schengen Agreement, carriers shall use the web service to verify whether a short-stay visa is valid, including if the number of authorised entries have already been used or if the holder has reached the maximum duration of the authorised stay or, as the case may be, if the visa is valid for the territory of the port of destination of that travel. Carriers shall provide the data listed under points (a), (b) and (c) of Article 16(1) of this Regulation. On that basis, the web service shall provide carriers with an OK/NOT OK answer. Carriers may store the information sent and the answer received in accordance with the applicable law. Carriers shall establish an authentication scheme to ensure that only authorised staff may access the web service. It shall not be possible to regard the OK/NOT OK answer as a decision to authorise or refuse entry in accordance with Regulation (EU) 2016/399. **In cases where passengers are not allowed to board due to a query in VIS, carriers shall provide passengers with that information and the means to exercise their rights to access, rectification and erasure of personal data stored in VIS.**’; [Am. 245]*

(2a) *In Article 14, paragraph 3 is replaced by the following:*

‘3. Where it is necessary to enter or update the entry/exit record data of a visa holder, the border authorities may retrieve from the VIS and import into the EES the data provided for in point (d) of Article 16(1) and points (c) to (f) of Article 16(2) of this Regulation in accordance with Article 8 of this Regulation and Article 18a of Regulation (EC) No 767/2008.’; [Am. 246]

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(2b) *Article 15 is amended as follows:*

(a) *paragraph 1 is replaced by the following:*

'1. Where it is necessary to create an individual file or to update the facial image referred to in point (b) of Article 17(1), the facial image shall be taken live.'; [Am. 247]

(b) *the following paragraph is inserted:*

'1a. The facial image referred to in point (d) of Article 16(1) shall be retrieved from VIS and imported into the EES.'; [Am. 248]

(c) *paragraph 5 is deleted;* [Am. 249]

(3) in Article 35(4), the expression 'through the infrastructure of the VIS' is deleted.

Article 5

Amendments to Regulation (EU) 2016/399

Regulation (EU) 2016/399 is amended as follows:

(1) in Article 8(3), the following point (ba) is added:

'(ba) if the third-country national holds a long stay visa or a residence permit, the thorough checks on entry shall also comprise verification of the identity of the holder of the long-stay visa or residence permit and the authenticity of the long-stay visa or residence permit by consulting the Visa Information System (VIS) in accordance with Article 22 g of Regulation (EC) No 767/2008;

in circumstances where verification of the document holder or of the document in accordance with Articles 22 g of that Regulation, as applicable, fails or where there are doubts as to the identity of the holder, the authenticity of the document and/or the travel document, the duly authorised staff of those competent authorities shall proceed to a verification of the document chip.'

(2) in Article 8(3), points (c) to (f) are deleted.

Article 7

Amendments to Regulation (EU) XXX on establishing a framework for interoperability between EU information systems (borders and visa) [interoperability Regulation]

Regulation (EU) XXX on establishing a framework for interoperability between EU information systems (borders and visa) [interoperability Regulation] is amended as follows:

(1) in Article 13(1), point (b) is replaced by the following:

'(b) the data referred to in Article 9(6), Article 22c(2)(f) and (g) and Article 22d(f) and (g) of Regulation (EC) No 767/2008;

(2) In Article 18(1), point (b) is replaced by the following:

'(b) the data referred to in Article 9(4)(a), ~~(b) and (c)~~ to (cc), Article 9 (5) and (6), Article 22c(2)(a) to (cc), (f) and (g), Article 22d(a), (b), (c), (f) and (g) of Regulation (EC) No 767/2008;' [Am. 250]

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(3) in Article 26(1), point (b) is replaced by the following:

‘(b) competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 when creating or updating an application file or an individual file in the VIS in accordance with Article 8 or Article 22a of Regulation (EC) No 767/2008;’;

(4) Article 27 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

‘(b) an application file or an individual file is created or updated in the VIS in accordance with Article 8, or Article 22a of Regulation (EC) No 767/2008;’;

(b) in paragraph 3, point (b) is replaced by the following:

‘(b) surname (family name); first name(s) (given name(s)); date of birth, sex and nationality(ies) as referred to in Article 9(4)(a), in Article 22c(2)(a) and in Article 22d(a) of Regulation (EC) No 767/2008;’;

(5) in Article 29(1), point (b) is replaced by the following:

‘(b) the competent authorities referred to in Article 6(1) and (2) of Regulation (EC) No 767/2008 for hits that occurred when creating or updating an application file or an individual file in the VIS in accordance with Article 8 or Article 22a of Regulation (EC) No 767/2008;’.

Article 8

Repeal of Decision 2008/633/JHA

Decision 2008/633/JHA is repealed. References to Decision 2008/633/JHA shall be construed as references to Regulation (EC) No 767/2008 and shall be read in accordance with the correlation table in Annex 2^o.

Article 9

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from ... [two years after the date of entry into force] with the exception of the provisions on implementing and delegated acts provided for in points (6), (7), (26), (27), (33) and (35) of Article 1, point (4) of Article 3 and point (1) of Article 4, which shall apply from the date of entry into force of this Regulation.

By ... [one year after the entry into force of this Regulation] the Commission shall submit a report to the European Parliament and to the Council on the state of play of the preparation of the full implementation of this Regulation. That report shall also contain detailed information on the costs incurred and information as to any risks which may impact the overall costs. [Am. 251]

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

Wednesday 13 March 2019

ANNEX 2

CORRELATION TABLE

Council Decision 2008/633/JHA	Regulation (EC) No 767/2008
Article 1 Subject matter and scope	Article 1 Subject matter and scope
Article 2 Definitions	Article 4 Definitions
Article 3 Designated authorities and central access points	Article 22k Member States' designated authorities Article 22l Europol
Article 4 Procedure for access to the VIS	Article 22m Procedure for access to the VIS for law enforcement purposes
Article 5 Conditions for access to VIS data by designated authorities of Member States	Article 22n Conditions for access to VIS data by designated authorities of Member States
Article 6 Conditions for access to VIS data by designated authorities of a Member State in respect of which Regulation (EC) No 767/2008 has not yet been put into effect	Article 22r Conditions for access to VIS data by designated authorities of a Member State in respect of which this Regulation has not yet been put into effect
Article 7 Conditions for access to VIS data by Europol	Article 22p Procedure and conditions for access to VIS data by Europol
Article 8 Protection of personal data	Chapter VI Rights and supervision on data protection
Article 9 Data security	Article 32 Data security
Article 10 Liability	Article 33 Liability
Article 11 Self-monitoring	Article 35 Self-monitoring

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Council Decision 2008/633/JHA	Regulation (EC) No 767/2008
Article 12 Penalties	Article 36 Penalties
Article 13 Keeping of VIS data in national files	Article 30 Keeping of VIS data in national files
Article 14 Right of access, correction and deletion	Article 38 Right of access, correction and deletion
Article 15 Costs	N/A
Article 16 Keeping of records	Article 22q Logging and documentation
Article 17 Monitoring and evaluation	Article 50 Monitoring and evaluation

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P8_TA(2019)0175

Establishing the Asylum and Migration Fund *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (COM(2018)0471 — C8-0271/2018 — 2018/0248(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/62)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0471),
 - having regard to Article 294(2) and Articles 78(2) and 79(2) and (4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0271/2018),
 - 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 Rules 59 and 39 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development and the Committee on Budgets (A8-0106/2019),
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(2018)0248

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council establishing the Asylum, ~~and~~ Migration and Integration Fund [Am. 1]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2), ~~and~~ Article 79(2) and (4) **and Article 80** thereof, [Am. 2]

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ^(*),

Whereas:

- (1) In the context of the evolving migratory challenges characterised by the need to support strong reception, asylum, integration and migration systems of Member States, prevent and adequately handle **in solidarity** situations of pressure and replace irregular and unsafe arrivals with legal and safe pathways, investing in efficient and coordinated migration management in the Union is key to realising the Union's objective of constituting an area of freedom, security and justice pursuant to Article 67(2) of the Treaty on the Functioning of the European Union. [Am. 3]
- (2) The importance of a coordinated approach by the Union and the Member States is reflected in the European Agenda on Migration of May 2015, which stressed the need for a consistent and clear common policy to restore confidence in the Union's ability to bring together European and national efforts to address migration and work together in an effective way, in accordance with the ~~principles~~ **principle** of solidarity and fair sharing of responsibility **between the Member States as established in Article 80 of the Treaty on the Functioning of the European Union**, and was confirmed in its mid-term review of September 2017 and the progress report of March and May 2018. [Am. 4]
- (3) In its conclusions of 19 October 2017, the European Council reaffirmed the need to pursue a comprehensive, pragmatic and resolute approach to migration management that aims to restore control of external borders and reduce irregular arrivals and the number of deaths at sea, and should be based on a flexible and coordinated use of all available Union and Member State instruments. The European Council further called to ensure significantly enhanced returns through actions at both EU and Member States level, such as effective readmission agreements and arrangements. **The European Council called moreover for voluntary resettlement programmes to be implemented and developed.** [Am. 5]
- (4) In order to support efforts to ensure a comprehensive approach to management of migration grounded on mutual trust, solidarity and responsibility sharing among Member States and Union institutions, with the objective of ensuring a common sustainable Union policy on asylum and immigration, Member States should be supported by adequate financial resources in the form of the Asylum, ~~and~~ Migration **and Integration** Fund (hereinafter referred to as 'the Fund'). [Am. 6]
- (4a) **The Fund should fully respect human rights, comply with Agenda 2030, the principle of policy coherence for development, as set out in Article 208 TFEU, and the commitments at the international level in relation to migration and asylum, notably the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (GCM).** [Am. 7]
- (4b) **Managing the Fund from a development perspective should take into account the various root causes of migration such as conflict, poverty, lack of agricultural capacity, education and inequality.** [Am. 8]
- (5) **Actions supported by** the Fund should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, **including the right to the protection of personal data**, and ~~with~~ the Union's **and Member States** international obligations as regards fundamental rights, **including the UN Convention on the Rights of the Child (UNCRC) and the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the Protocol of 31 January 1967.** [Am. 9]

⁽¹⁾ OJ C , , p. .

⁽²⁾ OJ C , , p. .

^(*) Position of the European Parliament of 13 March 2019.

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- (5a) **The principles of gender equality and of non-discrimination, which are among the Union's core values, should be respected and promoted when implementing the Fund. The Fund should not support any action that contributes to any form of segregation or social exclusion. [Am. 10]**
- (5b) **In the implementation of the Fund, priority should be given to actions which address the situation of unaccompanied and separated minors through early identification and registration and to actions carried out in the best interests of the child. [Am. 11]**
- (6) The Fund should build on the results and investments achieved with the support of its predecessors: the European Refugee Fund established by the Decision 573/2007/EC of the European Parliament and the Council, the European Fund for the Integration of third-country nationals established by the Council Decision 2007/435/EC, the European Return Fund established by the Decision 575/2007/EC of the European Parliament and the Council for the period 2007-2013 and the Asylum, Migration and Integration Fund for the period 2014-2020, as established by Regulation (EU) No 516/2014 of the European Parliament and of the Council. It should at the same time take into account all relevant new developments.
- (7) The Fund should support **solidarity between Member States and** the efficient management of migration flows, *inter alia* by promoting common measures in the area of asylum, including Member States' efforts in receiving persons in need of international protection through resettlement and **humanitarian admission and** the transfer of applicants for or beneficiaries of international protection between Member States, **enhancing the protection of vulnerable asylum seekers such as children**, supporting integration strategies and a more effective legal migration policy, ~~so as~~ **creating safe and legal pathways to the Union which should also help** to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through a sustainable return and readmission policy. **As an instrument of internal Union policy and the only funding instrument for asylum and migration at Union level, the Fund should primarily support actions on asylum and migration within the Union. However, within defined limits and subject to the appropriate safeguards,** the Fund should support the strengthening of cooperation with third countries to reinforce management of flows of persons applying for asylum or other forms of international protection, **to establish** avenues on legal migration and to counter irregular migration and **networks of smugglers and traffickers in human beings and** ensure the sustainability of **safe and dignified** return and ~~effective readmission~~ **to as well as reintegration in** third countries. [Am. 12]
- (8) The migration crisis **and the rising number of deaths in the Mediterranean over the past years** highlighted the need to reform the Common European Asylum System **and to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a framework for Member States' resettlement and humanitarian admission efforts with a view to increasing the overall number of available resettlement places globally. At the same time, reform is needed** to ensure that efficient **and rights based** asylum procedures ~~to prevent secondary movements,~~ **are in place and accessible,** and to provide uniform and appropriate reception conditions for applicants for international protection, uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. ~~At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts~~ **effective and efficient return procedures for irregular migrants.** Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System. [Am. 13]

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- (9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU) ... [EUAA Regulation] ⁽³⁾ **Support Office** with a view to facilitating and improving the functioning of the common European asylum system, by ~~coordinating and~~ strengthening practical cooperation and **coordinating** information exchange **on asylum, in particular on good practices** between Member States, promoting Union **and international** law and **contributing through relevant guidance, including operational standards, to a uniform implementation of Union law** on asylum in order to ensure a high degree of ~~uniformity~~ based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, ~~support~~ **supporting** the resettlement efforts of the Member States and ~~provide~~ **providing** operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure. [Am. 14]
- (9a) *The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.* [Am. 15]
- (10) The Fund should support ~~the efforts by the Union and the Member States relating to the enhancement in the~~ **implementation** of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law, **ensuring full respect of fundamental rights, in particular Directives 2013/33/EU ⁽⁴⁾ (Reception Conditions Directive), 2013/32/EU ⁽⁵⁾ (Asylum Procedures Directive), 2011/95/EU ⁽⁶⁾ (Qualification Directive) and 2008/115/EC ⁽⁷⁾ (Return Directive) of the European Parliament and of the Council, and Regulation (EU) No 604/2013 of the European Parliament and of the Council ⁽⁸⁾ (Dublin Regulation).** [Am. 16]
- (11) Partnerships and cooperation with third countries are an essential component of Union asylum policy to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those countries, helping achieve the Union's migration policy objectives by increasing the Union's leverage *vis à vis* third countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework. [Am. 17]
- (11a) *The Fund should support the efforts made by Member States to provide international protection and a durable solution in their territories to refugees and displaced persons identified as eligible for resettlement or under national humanitarian admission schemes, which should take into account UNHCR Projected Global Resettlement Needs. To contribute in an ambitious and effective manner, the Fund should provide targeted assistance in the form of financial incentives for each person admitted or resettled.* [Am. 18]

⁽³⁾ Regulation (EU) No ... of the European Parliament and of the Council of [EUAA Regulation] (OJ L ..., [date], p. ...).

⁽⁴⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

⁽⁵⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

⁽⁶⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

⁽⁷⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁽⁸⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

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- (12) Considering ~~the high levels of migration flows to the Union in the last years and~~ the importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for ~~early~~ integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016. [Am. 19]
- (13) In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the ~~European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF)~~ **Union's structural funds**. Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early ~~stage~~ **stages** of integration, and horizontal actions supporting Member States' capacities in the field of integration, ~~whereas~~ **complemented by** interventions ~~for~~ **to promote the social and economic inclusion of** third-country nationals ~~with a longer-term impact should be financed under the ERDF and ESF+~~ **structural funds**. [Am. 20]
- (13a) *The scope of the integration measures should also include beneficiaries of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of that target group. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.* [Am. 21]
- (14) In this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and establish coordination mechanisms with the authorities identified by Member States for the purpose of the management of the interventions of the ~~ESF+ and of the ERDF~~ **structural funds**, and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals. **Through these coordination mechanisms, the Commission should assess the coherence and complementarity between the funds, and the extent to which measures implemented through each fund contribute to the integration of third country nationals.** [Am. 22]
- (15) The implementation of the Fund in this area should be consistent with the Union's common basic principles on integration, as specified in the common programme for integration.
- (16) It is appropriate to allow those Member States that so wish to provide in their programmes that integration actions may include immediate relatives of third-country nationals, **thus supporting family unity in the best interests of the child**, to the extent that this is necessary for the effective implementation of such actions. The term 'immediate relative' should be understood as meaning spouses, partners and any person having direct family links in descending or ascending line with the third-country national targeted by the integration action, and who would otherwise not be covered by the scope of the Fund. [Am. 23]
- (17) Considering the crucial role played by local and regional authorities and ~~civil society organisations~~ **their representative associations** in the field of integration and to facilitate the **direct** access of these entities to funding at Union level, the Fund should facilitate the implementation of actions in the field of integration by local and regional authorities or civil society organisations, including ~~through the use of the thematic facility and~~ through a higher co-financing rate for these actions **and the use of a dedicated component of the thematic facility where those local and regional authorities have the competence to carry out integration measures.** [Am. 24]
- (18) Considering the long-term economic and demographic challenges faced by the Union **and the increasingly globalised nature of migration**, it is crucial to establish well-functioning legal migration channels to the Union to maintain the Union as an attractive destination for ~~migrants~~ **regular migration, in accordance with Member States' economic and social needs**, and ensure the sustainability of welfare systems and growth of the Union economy, **while protecting migrant workers from labour exploitation.** [Am. 25]

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- (19) The Fund should support Member States in setting up strategies organising **and expanding** legal migration **pathways**, enhancing their capacity to develop, implement, monitor and evaluate in general all immigration and integration strategies, policies and measures for legally staying third-country nationals, ~~including in particular~~ **Union legal instruments for legal migration**. The Fund should also support the exchange of information, best practices and cooperation between different departments of administration and levels of governance, and between Member States. [Am. 26]
- (20) An efficient **and dignified** return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, **with an emphasis on voluntary returns**, in particular as set out in Directive 2008/115/EC of the European Parliament and of the Council ⁽⁹⁾, and of an integrated and coordinated approach to return management. ~~For sustainable return policies,~~ The Fund should equally support related measures in third countries, ~~such as the~~ **to facilitate and guarantee safe and dignified return and readmission as well as sustainable** reintegration, ~~of returnees as enshrined in the GCM.~~ [Am. 27]
- (21) Member States should give preference to voluntary return **and ensure effective, safe and dignified return of irregular migrants. Therefore, the Fund should give preferential support to actions related to voluntary return.** In order to promote voluntary return ~~this~~, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance ~~should be envisaged for the voluntary return of persons~~ **and long-term reintegration support**. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness. **The best interests of the child should be a primary consideration in all actions or decisions concerning children in migration, including returns, taking full account of the right of the child to express his or her views.** [Am. 28]
- (22) ~~While voluntary and returns should take priority over~~ enforced returns, **they** are nevertheless interlinked, with mutually reinforcing effect, and Member States should therefore be encouraged to reinforce the complementarities between these two forms of return. The possibility of removals is an important element contributing to the integrity of the asylum and legal migration systems. The Fund should therefore support actions of Member States to facilitate and carry out removals in accordance with the standards laid down in Union law, where applicable, and with full respect for the fundamental rights and dignity of returnees. **The Fund should support actions related to return of children only where such return is based on a positive assessment of the best interests of the child.** [Am. 29]
- (23) Specific support measures for returnees, **with a particular attention to their humanitarian and protection needs**, in the Member States and in the countries of return can improve conditions of return and enhance their reintegration. **Particular attention should be paid to vulnerable groups. Return decisions should be based on a comprehensive and careful assessment of the situation in the country of origin, including an evaluation of the absorption capacity at the local level. Specific measures and actions supporting countries of origin, and in particular vulnerable people, contribute to ensure the sustainability, safety and effectiveness of returns. These measures should be implemented with the active participation of local authorities, civil society and diasporas.** [Am. 30]
- (24) **Formal** readmission agreements ~~and other arrangements~~ are an integral **and crucial** component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements ~~and arrangements~~ are an important element in the framework of the dialogue and cooperation with third countries of origin and transit of irregular migrants and **the Fund should support** their implementation in third countries ~~should be supported~~ in the interests of effective, **safe and dignified** return policies at national and Union level **within defined limits and subject to the appropriate safeguards.** [Am. 31]

⁽⁹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

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- (25) In addition to supporting the ~~return of persons as provided for in this Regulation~~ **integration of third country nationals or stateless persons within Member States**, the Fund should also support other measures to counter irregular migration, address incentives for illegal migration or the circumventing of existing **trafficking of migrants, to encourage and facilitate the establishment of** legal migration rules, thereby safeguarding the integrity of Member States' immigration systems **in the countries of origin, in full compliance with the Principle of Coherence for Sustainable Development**. [Am. 32]
- (26) The employment of irregular migrants ~~creates a pull factor for illegal migration and~~ undermines the development of a labour mobility policy built on legal migration schemes **and endangers the rights of migrant workers, making them vulnerable to rights violations and abuse**. The Fund should therefore support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council⁽¹⁰⁾ which prohibits the employment of illegally staying third-country nationals, **provides for a complaints and wage recuperation mechanism for exploited workers** and provides for sanctions against employers who infringe that prohibition. [Am. 33]
- (26a) **The Member States should support the requests of civil society and workers' associations, such as that concerning the establishment of a European network of reception workers of both genders, in order to connect all workers in Europe operating in the field of migration, to foster a decent welcome and an approach to migration based on human rights and the exchange of good practices in terms of reception and employment opportunities for migrants.** [Am. 34]
- (27) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2011/36/EU of the European Parliament and of the Council⁽¹¹⁾, which sets forth provisions on assistance, support and protection of victims of trafficking in human beings. **These measures should take into account the gender-specific nature of trafficking in human beings. When implementing the Fund, Member States should take into consideration that persons who are obliged to leave their habitual homes for reasons of sudden or progressive climate-related change in the environment that adversely affects their lives or living conditions, have a high risk of falling victims to trafficking in human beings.** [Am. 35]
- (27a) **The Fund should support in particular the identification and measures addressing the needs of vulnerable asylum seekers — such as unaccompanied minors, or victims of torture or of other serious forms of violence — as set out in the Union asylum acquis.** [Am. 36]
- (27b) **In order to achieve a fair and transparent distribution of resources among the objectives of the Fund, a minimum level of expenditure should be ensured for certain objectives, whether under direct, indirect, or shared management.** [Am. 37]
- (28) The Fund should complement and reinforce the activities undertaken in the field of return by the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624 of the European Parliament and of the Council⁽¹²⁾, ~~therefore contributing to effective~~ **without providing an additional funding stream to the European Integrated Border Management, as defined in Article 4 of that Regulation and Coast Guard Agency, for which the budgetary authority decides on an annual budget which should enable it to carry out all of its tasks.** [Am. 38]
- (29) Synergies, consistency, **complementarity** and efficiency should be sought with other Union funds and **any overlap or contradiction** between actions should be avoided. [Am. 39]

⁽¹⁰⁾ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

⁽¹¹⁾ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

⁽¹²⁾ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

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- (30) **The Fund should prioritise financing for actions within the Union itself. The Fund may finance** measures in and in relation to third countries supported through the Fund **which should be limited in financial terms, while adequate to reach the objectives of the Fund as laid down in Article 3 of this Regulation, and subject to appropriate safeguards. Such measures** should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence **and complementarity** should be sought with the principles and general objectives of the Union's external action and foreign policy in respect of the country or region in question and the Union international commitments. ~~In relation to the external dimension, the Fund~~ **The principle of policy coherence for development, as set out in paragraph 35 of the European Consensus on Development,** should ~~target support to enhance cooperation with third countries and to reinforce key aspects of migration management in areas of interest to the Union's migration policy~~ **be respected. Coherence with the humanitarian principles as set out in the European Consensus on Humanitarian Aid should be ensured during the implementation of emergency assistance.** [Am. 40]
- (31) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action undertaken by Member States alone. Financial support provided under this Regulation should contribute, in particular, to **Member State solidarity on asylum and migration in accordance with Article 80 TFEU, and to** strengthening national and Union capabilities in the areas of asylum and migration. [Am. 41]
- (32) A Member State may be deemed not to be compliant with the relevant Union *acquis*, including as regards the use of operating support under this Fund, if it has failed to fulfil its obligations under the Treaties in the area of asylum and return, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the *acquis* on asylum and return or if an evaluation report under the Schengen or the European Union Agency for Asylum evaluation and monitoring mechanism has identified deficiencies in the relevant area.
- (33) The Fund should reflect the need for increased **transparency**, flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the policy and specific objectives laid down in this Regulation. **The implementation of the Fund should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the Fund should be as user-friendly as possible.** [Am. 43]
- (34) This Regulation should establish the initial amounts to Member States ~~consisting of a fixed amount and an amount calculated on the basis of criteria laid down in Annex I,~~ which reflect the needs and pressure experienced by different Member States in the areas of asylum, **migration**, integration and return. **Particular attention should be given to insular societies facing disproportionate migration challenges.** [Am. 44]
- (35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in migration flows and to address needs in the management of asylum and reception systems and integration of legally staying third-country nationals, **to develop legal migration** and counter irregular migration through efficient, **rights compliant** and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States. [Am. 45]
- (36) To contribute to the achievement of the policy objective of the Fund, Member States **and the Commission** should ensure that ~~their~~ **Member States'** programmes include actions ~~addressing~~ **which contribute to achieving each of** the specific objectives of this Regulation. **They should ensure furthermore that the allocation of funding to the specific objectives serves those objectives in the best possible way and is based on the most up-to-date needs, that the programmes include a minimum level of expenditure with respect to those objectives, that the sharing of resources to objectives is in proportion to the challenges faced,** that the priorities chosen are in line with the ~~implementation~~ measures as set out in Annex II and that the allocation of resources between the objectives ensures that the overall policy objective can be met. [Am. 46]

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- (37) As challenges in the area of migration are constantly evolving, there is a need to adapt the allocation of funding to the changes in migration flows. To respond to pressing needs and changes in policy and Union priorities, and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions, **actions of local and regional authorities**, emergency assistance, resettlement and to provide additional support for Member States contributing to solidarity and responsibility efforts via a thematic facility. [Am. 47]
- (38) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.
- (38a) **Efforts made by Member States to fully and properly implement the Union asylum acquis, including to grant appropriate reception conditions to applicants for, and beneficiaries of, international protection, to ensure the correct determination of status, in accordance with Directive 2011/95/EU, to apply fair and effective asylum procedures, should be supported by the Fund, in particular when those efforts are directed to unaccompanied minors for whom costs are higher. Member States should therefore receive a lump sum for each unaccompanied minor who is granted international protection, however this lump sum should not be cumulative to additional funding provided under this Regulation for resettlement.** [Am. 48]
- (39) Part of the available resources under the Fund could also be allocated to Member States' programmes for the implementation of specific actions in addition to the initial allocation. These specific actions should be identified at Union level and should concern actions which require cooperative effort or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States.
- (40) The Fund should contribute to supporting operating costs related to asylum and ~~return~~ **immigration** and enable Member States to maintain capabilities which are crucial for that service for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes. [Am. 49]
- (41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union **while respecting the need to provide adequate funding, in a fair and transparent manner, to achieve the objectives of the Fund. Through these actions the protection of fundamental rights in the implementation of the Fund should be ensured.** [Am. 50]
- (42) In order to strengthen the Union's capacity to immediately address unforeseen ~~or disproportionate heavy migratory pressure in one or more Member States characterised by a large or disproportionate inflow of third-country~~ **third country** nationals, **in one or more Member States** which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, ~~heavy or migratory pressures~~ **challenges or significant resettlement needs** in third countries due to political developments, ~~or conflicts~~ **or natural disasters**, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation. [Am. 51]
- (43) This Regulation should ensure the continuation of the European Migration Network set up by Council Decision 2008/381/EC⁽¹³⁾ and should provide financial assistance in accordance with its objectives and tasks.

⁽¹³⁾ 2008/381/EC: Council Decision of 14 May 2008 establishing a European Migration Network (OJ L 131, 21.5.2008, p. 7).

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- (44) ~~The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value. [Am. 52]~~
- (45) This Regulation lays down a financial envelope for the entire Asylum and Migration Fund which is to constitute the prime reference amount, within the meaning of [reference to be updated as appropriate according to the new inter-institutional agreement: point 17 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 ⁽¹⁴⁾], for the European Parliament and the Council during the annual budgetary procedure.
- (46) Regulation (EU) No .../... [Financial Regulation] applies to this Fund. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees.
- (47) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, Financial Regulation and Regulation (EU) .../2021 [Common Provisions Regulation]. **In the event of conflicting provisions, this Regulation should take precedence over Regulation (EU) No X [CPR]. [Am. 53]**
- (48) ~~Regulation (EU) .../2021 [Common Provisions Regulation] establishes **Beyond** the framework for action for ERDF, ESF+, the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), **setting up financial rules common to several Union funds, including** the Asylum, and Migration Fund (AMF), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) as a part of the Integrated Border Management Fund (IBMF), and lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. **and Integration Fund (AMIF)**, it is therefore necessary to specify the objectives of ~~AMF~~ **AMIF**, and to lay down specific provisions concerning the type of activities that may be financed by ~~AMF~~ **AMIF**. [Am. 54]~~
- (49) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.
- (50) In accordance with the Financial Regulation ⁽¹⁵⁾, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽¹⁶⁾, Council Regulation (Euratom, EC) No 2988/95 ⁽¹⁷⁾, Council Regulation (Euratom, EC) No 2185/96 ⁽¹⁸⁾ and Council Regulation (EU) 2017/1939 ⁽¹⁹⁾, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative **and/or criminal** sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with

⁽¹⁴⁾ OJ C 373, 20.12.2013, p. 1;
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC

⁽¹⁵⁾ OJ C , , p. .

⁽¹⁶⁾ OJ C , , p. .

⁽¹⁷⁾ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.1995, p. 1).

⁽¹⁸⁾ OJ C , , p. .

⁽¹⁹⁾ Council Regulation (EU) ~~2017/1371~~ **2017/1939** of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

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Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁽²⁰⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to cooperate fully in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF and the European Court of Auditors and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. **Member States are to cooperate fully and give all the necessary assistance to the Union's institutions, agencies and bodies in order to protect the Union's financial interests. The results of investigations into irregularities or fraud in relation to the Fund should be made available to the European Parliament.** [Am. 55]

- (51) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.
- (51a) **Where there is clear evidence that the legality of projects, or the legality and regularity of funding, or the performance of projects would be put in doubt as a result of a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU, the Commission should ensure that there is no funding available for these projects.** [Am. 56]
- (52) Pursuant to Article 94 of Council Decision 2013/755/EU⁽²¹⁾, persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the Fund and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
- (53) Pursuant to Article 349 of the TFEU and in line with the Commission Communication 'A stronger and renewed strategic partnership with the EU's outermost regions'⁽²²⁾, endorsed by the Council in its conclusion of 12 April 2018, relevant Member States should ensure that their national strategies and programmes address the specific challenges the outermost regions face in managing migration. The Fund supports these Member States with adequate resources to help these regions manage migration sustainably and handle possible situations of pressure.
- (53a) **Civil society organisations, local and regional authorities and national parliaments in the Member States and in third countries should be consulted during the process of programming, implementing and evaluating the programmes financed through the Fund.** [Am. 57]
- (54) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, **including qualitative and quantitative indicators**, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, common indicators and related targets should be established in relation to each specific objective of the Fund. Through these common indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund, ~~in accordance with the relevant provisions of Regulation (EU) .../2021 of .~~ **To adequately fulfil its supervisory role, the Commission should be in a position to establish the amounts actually spent from the Fund in a given year. When reporting the annual accounts of their national programme to the Commission, Member States should therefore distinguish between recoveries, pre-financing payments to final beneficiaries and reimbursements of expenditure that was actually incurred. To facilitate the audit and the monitoring of the implementation of the Fund, the Commission should include these amounts in its annual**

⁽²⁰⁾ 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).

⁽²¹⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁽²²⁾ COM(2017)0623.

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implementation report for the Fund as well as monitoring results and implementation of actions of the Fund at local, regional, national and Union level, including specific projects and partners. The Commission should present a summary of the accepted annual performance reports to the European Parliament and of the Council [Common Provisions Regulation] and this Regulation every year. Reports outlining monitoring results and implementation of actions under the Fund at both Member States and Union level should be made publicly available and presented to the European Parliament. [Am. 58]

- (55) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives **over the MFF 2021–2027 period and an annual target of 30 % as soon as possible and at the latest by 2027**. Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes. [Am. 59]
- (56) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **the work programmes for the thematic facility, list of actions eligible for support by the instrument in Annex III, list of actions eligible for higher co-financing as listed in Annex IV, operating support provided for in Annex VII** and in order to develop further the common monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and with civil society organisations, including migrants and refugees organisations**, and that these consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016. [Am. 60]
- (57) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²³⁾. The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the arrangements for providing information to the Commission in the framework of programming and reporting, given their purely technical nature.
- (58) Since the ~~objective~~ **objectives** of this Regulation, namely to **enhance solidarity between Member States** contribute to an effective management of migration flows in the Union, ~~in accordance with~~ **and to the implementation, strengthening and development of** the common policy on asylum, ~~and international~~ **subsidiary** protection and **temporary protection and of** the common immigration policy, cannot be sufficiently achieved by the Member States acting alone and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. [Am. 61]
- (59) In accordance with Article 3 of the Protocol on the position of [the United Kingdom] and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland [is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / has notified its wish to take part in the adoption and application of this Regulation].
- (60) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (61) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../2021 [Multiannual Financial Framework Regulation],

⁽²³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes the Asylum, ~~and~~ Migration **and Integration** Fund ('the Fund'). [Am. 62]
2. This Regulation lays down the objectives of the Fund, the budget for the period from 2021 to 2027, the forms of Union funding and the rules for providing such funding.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'applicant for international protection' means an applicant as defined in point ~~[x]~~ (c) of Article 2 of ~~Regulation (EU) .../... [Asylum Procedure Regulation]~~ ⁽²⁴⁾ **Directive 2013/32/EU**; [Am. 63]
- (b) 'beneficiary of international protection' within the meaning of point ~~(2)~~ (b) of Article ~~[2]~~ of ~~Regulation (EU) .../... [Qualification Regulation]~~ ⁽²⁵⁾ **2 of Directive 2011/95/EU**; [Am. 64]
- (c) 'blending operation' means actions supported by the Union budget, including within blending facilities as defined in point (6) of Article 2 of the Financial Regulation, combining non-repayable forms of support or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;
- (d) 'family member' means any third-country national as defined under the Union law relevant to the policy area of action supported under the Fund;
- (e) 'humanitarian admission' within the meaning of Article ~~[2]~~ of ~~Regulation (EU) .../... [Union Resettlement [and Humanitarian Admission] Framework]~~ ⁽²⁶⁾ **scheme' means the admission to the territory of the Member States from a third country to which they have been displaced, following, where requested by a Member State, a referral from the UNHCR or another relevant international body, of third-country nationals or stateless persons who are granted international protection or a humanitarian status under national law that provides for rights and obligations equivalent to those of Articles 20 to 32 and Article 34 of Directive 2011/95/EU for beneficiaries of subsidiary protection**; [Am. 65]
- (f) 'removal' means 'removal' as defined in point (5) of Article 3 of Directive 2008/115/EC;
- (g) 'resettlement' means '~~resettlement' as defined in Article [2] of Regulation (EU) .../... [Union Resettlement [and Humanitarian Admission] Framework]~~ **the admission, following a referral from the United Nations High Commissioner for Refugees ('UNHCR'), of third-country nationals or stateless persons from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection and have access to a durable solution in accordance with Union and national law**; [Am. 66]

⁽²⁴⁾ OJ C, , p. .

⁽²⁵⁾ OJ C, , p. .

⁽²⁶⁾ OJ C, , p. .

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- (h) 'return' means 'return' as defined in point (3) of Article 3 of Directive 2008/115/EC;
- (i) 'third-country national' means any person who is not a citizen of the Union as defined in Article 20(1) of the TFEU. Reference to third-country nationals shall be understood to include stateless persons and persons with undetermined nationality;
- (j) 'vulnerable person' means any person as defined under the Union law relevant to the policy area of action supported under the Fund.
- (ja) **'unaccompanied minor' means a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult, including a minor who is left unaccompanied after he or she has entered the territory of the Member States. [Am. 67]**

Article 3

Objectives of the Fund

1. ~~The policy objective of the Fund shall be to contribute to an efficient management of migration flows implementation, strengthening and development of all aspects of the common European asylum policy under Article 78 TFEU and of the common European immigration policy under Article 79 TFEU in line with the relevant Union acquis and in compliance with principle of solidarity and fair-sharing of responsibility, while fully respecting the Union's commitments on~~ **and the Member States' obligations under international law and the rights and principles enshrined in the Charter of Fundamental Rights of the European Union. [Am. 68]**
2. Within the policy objective set out in paragraph 1, the Fund shall contribute to the following specific objectives:
 - (a) to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;
 - (b) ~~to support~~ **strengthen and develop** legal migration ~~to the~~ **policies on the European and national level in accordance with** Member States' ~~including to contribute to the integration of third-country nationals~~ **economic and social needs; [Am. 69]**
 - (c) ~~to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries. and promote the effective integration and social inclusion of third-country nationals in complementarity with other Union funds; [Am. 70]~~
 - (ca) **to contribute to countering irregular migration and ensuring effective, safe and dignified return, readmission and reintegration in third countries; [Am. 71]**
 - (cb) **to ensure solidarity and fair sharing of responsibility between the Member States, in particular towards those most affected by migration challenges, including through practical cooperation; [Am. 72]**
3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented through the implementation measures listed in Annex II.

Article 3a

Partnership

For this Fund, partnerships shall include at least local and regional authorities or their representative associations, relevant international organisations, non-governmental organisations, in particular refugee and migrants organisations, national human rights institutions and equality bodies, and economic and social partners.

These partners shall be involved in a meaningful way in the preparation, implementation, monitoring and evaluation of programmes. [Am. 73]

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Article 4

Scope of support

1. ~~Within the objectives referred to in Article 3, and in line~~ **In accordance** with the implementation measures listed in Annex II, the Fund shall ~~in particular support the actions~~ **that contribute to the achievement of the objectives referred to in Article 3 and are** listed in Annex III. ~~The Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of actions eligible for support from the Fund in Annex III.~~ [Am. 74]

2. To achieve the objectives **referred to in Article 3** of this Regulation, the Fund may, **in exceptional cases, within defined limits and subject to appropriate safeguards**, support the actions ~~in line with the Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5 and 6.~~ [Am. 75]

2a. **Without prejudice to the provisions of Article 16, the total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 9 shall not exceed 5 % of the total amount allocated to the thematic facility under point (b) of Article 8(2).** [Am. 76]

2b. **Without prejudice to the provisions of Article 16, the total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 13 shall not exceed, for each Member State, 5 % of the total amount allocated to that Member State in accordance with point (a) of Article 8(2), Article 11(1) and Annex I.** [Am. 77]

2c. **Actions supported under this paragraph shall be fully coherent with measures supported through the external financing instruments of the Union and with the general principles and general objectives of the Union's external action.** [Am. 78]

3. The objectives of this Regulation shall support actions focusing on one or more target groups within the scope of Articles 78 and 79 of the Treaty on the Functioning of the European Union.

Article 4a

Gender equality and non-discrimination

The Commission and the Member States shall ensure that gender equality and the integration of the gender perspective are an integral part of, and are promoted during, the various stages of the implementation of the Fund. The Commission and the Member States shall take all appropriate steps to prevent any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in access to the Fund and during the various stages of the implementation of the Fund. [Am. 79]

Article 5

Third countries associated to the Fund

The Fund shall be open to **Schengen Associated** third countries in accordance with the conditions laid down in a specific agreement **to be adopted in accordance with Article 218 TFEU** covering the participation of the third country to the Asylum and Migration Fund, provided that the agreement: [Am. 80]

- ensures a fair balance as regards the contributions and benefits of the third country participating in the Fund;
- lays down the conditions of participation in the Fund, including the calculation of financial contributions to the Fund and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;

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- does not confer to the third country a decisional power on the Fund;
- guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

When drawing up the specific agreement referred to in this Article, the Commission shall consult the European Union Agency for Fundamental Rights, in particular with regard to the fundamental rights aspects of the agreement. [Am. 81]

Article 6

Eligible entities

1. The following entities may be eligible:
 - (a) legal entities established in any of the following countries:
 - (1) a Member State or an overseas country or territory linked to it;
 - (2) third country associated to the Fund;
 - (3) **a** third country listed in the work programme under the conditions specified therein, **and subject to the condition that all actions by, in, or in relation to that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and the international obligations of the Union and the Member States; [Am. 82]**
 - (b) any legal entity created under Union law or any **relevant** international organisation. **[Am. 83]**
2. Natural persons are not eligible.
- ~~3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action. [Am. 84]~~
4. Legal entities participating in consortia of at least two independent entities, established in different Member States or overseas countries or territories linked to those states ~~or in third countries~~ are eligible **when this contributes to the achievement of the objectives of the Fund as laid down in Article 3 of this Regulation. [Am. 85]**

CHAPTER II

FINANCIAL AND IMPLEMENTATION FRAMEWORK

SECTION 1

COMMON PROVISIONS

Article 7

General principles

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on ~~adding~~ **bringing Union added** value to the objectives of this Regulation. **[Am. 86]**
2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to **and coordinated with national instruments and** other Union instruments **and measures funded under other Union funds, in particular the structural funds and external financing instruments of the Union. [Am. 87]**
3. The Fund shall be implemented in shared, direct or indirect management in accordance with Articles [62(1) (a), (b) and (c)] of the Financial Regulation.

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Article 8

Budget

1. The financial envelope for the implementation of the Fund for the 2021-2027 period shall be EUR **9 204 957 000 in 2018 prices** (EUR 10 415 000 000 in current prices). [Am. 88]
2. The financial resources shall be used as follows:
 - (a) **EUR 5 522 974 200 in 2018 prices** (EUR 6 249 000 000 **in current prices**) shall be allocated to the programmes implemented under shared management; [Am. 89]
 - (b) **EUR 3 681 982 800 in 2018 prices** (EUR 4 166 000 000 **in current prices**) shall be allocated to the thematic facility. [Am. 90]
3. Up to 0,42 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission ~~as referred to in Article 29 of the Regulation EU .../... [Common Provisions Regulation].~~ [Am. 91]

Article 9

General provisions on the implementation of the thematic facility

1. The financial envelope referred to in Article 8(2)(b) shall be allocated flexibly through the thematic facility using shared, direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:
 - a) specific actions;
 - b) Union actions;
 - c) emergency assistance;
 - d) resettlement;
 - e) support to Member States, ~~contributing~~ **including to local and regional authorities, and to international and non-governmental organisations, which contribute** to solidarity and responsibility efforts; and [Am. 92]
 - f) European Migration Network.

Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs in line with agreed Union priorities as outlined in Annex II **and through the eligible actions in Annex III.**

The Commission shall ensure regular engagement with civil society organisations in the preparation, implementation, monitoring and evaluation of work programmes.

A minimum of 20 % of the funding from the thematic facility shall be allocated to the specific objective referred to in point (a) of Article 3(2).

A minimum of 10 % of the funding from the thematic facility shall be allocated to the specific objective referred to in point (b) of the first subparagraph of Article 3(2).

A minimum of 10 % of the funding from the thematic facility shall be allocated to the specific objective referred in point (c) of the first subparagraph of Article 3(2).

A minimum of 10 % of the funding from the thematic facility shall be allocated to the specific objective referred to in point (cb) of the first subparagraph of Article 3(2). [Am. 93]

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3. When funding from the thematic facility is granted in direct or indirect management to Member States, ~~it no funding shall be ensured that selected~~ **available for projects are not affected by where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be put in doubt as a result of** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU ~~that puts at risk the legality and regularity of expenditure or the performance of projects.~~ [Am. 94]

4. When funding from the thematic facility is implemented in shared management, the Commission shall, ~~for the purposes of Articles 18 and 19(2) of Regulation EU .../... [Common Provisions Regulation], assess whether the foreseen actions are not affected by~~ **ensure that no funding is available for projects where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects would be put in doubt as a result of** a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU ~~that puts at risk the legality and regularity of expenditure or the performance of the projects.~~ [Am. 95]

5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget. The Commission shall adopt ~~financing decisions as referred to in~~ **delegated acts in accordance with** Article ~~[110] of the Financial Regulation~~ **32 to lay down work programmes** for the thematic facility identifying objectives and actions to be supported and specifying the amounts for each of its components as referred to in paragraph 1. ~~Financing decisions~~ **The work programmes** shall set out, where applicable, the overall amount reserved for ~~blending operations~~ **be made publicly available.** [Am. 96]

6. The thematic facility shall in particular, support actions falling under the implementation measure ~~2(b)~~ **2a** of Annex II that are implemented by the local and regional authorities or civil society organisations. **In that regard, a minimum of 5 % of the financial envelope of the thematic facility shall be granted under direct or indirect management to local and regional authorities implementing integration actions.** [Am. 97]

7. Following the adoption of a ~~financing decision~~ **work programmes** as referred to in paragraph 5, the Commission may amend the programmes implemented under shared management accordingly. [Am. 98]

8. These ~~financing decisions~~ **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility. [Am. 99]

SECTION 2

SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT

Article 10

Scope

1. This section applies to the part of the financial envelope referred to in Article 8(2)(a), and additional resources to be implemented under shared management according to the Commission decision for the thematic facility referred to in Article 9.

2. Support under this section shall be implemented under shared management in accordance with Article ~~[63] of the Financial Regulation and the Regulation EU .../... [~~ **framework setting up financial rules** ~~common Provisions Regulation]~~ **to several Union funds, including the AMIF.** [Am. 100]

Article 11

Budgetary resources

1. Resources referred to in Article 8(2)(a) shall be allocated to the national programmes (the 'programmes') implemented by Member States under shared management indicatively as follows:

(a) EUR 5 207 500 000 to the Member States in accordance with Annex I;

(b) EUR 1 041 500 000 to the Member States for the adjustment of the allocations for the programmes as referred to in Article 14(1).

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2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 8(2)(b).

Article 12

Co-financing rates

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project. **Member States are encouraged to provide matching funds for activities supported by the Fund.** [Am. 101]

2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.

3. The contribution from the Union budget **shall be increased to a minimum of 80 % and** may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV. [Am. 102]

4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support.

5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.

6. The Commission decision approving a programme shall set the co-financing rate and the maximum amount of support from this Fund for the types of actions referred to in paragraphs 1 to 5.

7. For each specific objective, the Commission decision shall set out whether the co-financing rate for the specific objective is to be applied to:

(a) the total contribution, including the public and private contributions; or

(b) the public contribution only.

Article 13

Programmes

1. Each Member State **and the Commission** shall ensure that the priorities addressed in ~~its~~ **the national** programme are consistent with, and respond to, the Union priorities and challenges in the area of **asylum and** migration management, and are fully in line with the relevant Union *acquis* and ~~agree~~ **the international obligations of the** Union ~~priorities and Member States arising from international instruments to which they are signatories, in particular the UN Convention on the Rights of the Child~~. In defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed. **In that regard, Member States shall allocate a minimum of 20 % of their allocated funding to the specific objective referred to in point (a) of the first subparagraph of Article 3(2).**

Member States shall allocate a minimum of 10 % of their allocated funding to the specific objectives referred to in point (b) of the first subparagraph of Article 3(2).

Member States shall allocate a minimum of 10 % of their allocated funding to the specific objectives referred to in point (c) of the first subparagraph of Article 3(2).

Member States shall allocated a minimum of 10 % of their allocated funding to the specific objective referred to in point (cb) of the first subparagraph of Article 3(2). [Am. 103]

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1a. Member States shall, in addition, ensure that their programmes include actions addressing all the specific objectives of the Fund referred to in Article 3(2) and that the allocation of resources among the objectives ensures that those objectives can be met. When evaluating Member State programmes, the Commission shall ensure that no funding is available for projects where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be put in doubt as a result of a reasoned opinion of the Commission in relation to infringement proceedings under Article 258 TFEU. [Am. 104]

2. The Commission shall ensure that the European **Asylum Support Office, the European** Union Agency for ~~Asylum~~ **Fundamental Rights** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency, **the European Union Agency for Fundamental Rights** and the European **Asylum Support Office** on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States. [Am. 105]

3. The Commission may associate the European **Asylum Support Office, the European** Union Agency for ~~Asylum and Fundamental Rights, the~~ European Border and Coast Guard Agency **and the UNHCR** in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union *acquis* and agreed Union priorities. [Am. 106]

4. Further to ~~a~~ **any** monitoring exercise as carried out, ~~in accordance with Regulation (EU) [../..] [EUA Regulation]~~ or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European **Asylum Support Office, the European** Union Agency for ~~Asylum~~ **Fundamental Rights** and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme. [Am. 107]

5. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 4 **and the progress in achieving the milestones and targets as assessed in the annual performance reports referred to in point (a) of Article 30(2)**. Depending on the impact of the adjustment, the revised programme may be approved by the Commission. [Am. 108]

6. In cooperation and consultation with the Commission and the relevant agencies in accordance with their competence, as applicable, resources under the programme may be reallocated with the aim of addressing recommendations, as referred to in paragraph 4 that have financial implications.

7. Member States shall in particular pursue the actions eligible for higher co-financing as listed in Annex IV. In the event of unforeseen or new circumstances or in order to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of actions eligible for higher co-financing as listed in Annex IV.

7a. National programmes may allow for the inclusion in the actions referred to in point 3a of Annex III of immediate relatives of persons covered by the target group referred to in that point, to the extent that it is necessary for the effective implementation of such actions. [Am. 109]

8. **Without prejudice to the second subparagraph of Article 4(2)**, whenever a Member State decides to implement projects with or in a third country with the support of the Fund, the Member State concerned shall ~~consult~~ **request the approval of** the Commission prior to the start of the project. **The Commission shall ensure the complementarity and coherence of the planned projects with other Union and Member State actions taken in or in relation to the third country concerned and shall verify that the conditions set out in point (3) of point (a) of Article 6(1) are met. [Am. 110]**

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9. ~~Programming as referred to in Article 17(5) of Regulation (EU) .../2021 [Common Provisions Regulation]; Each national programme shall be based on~~ **set out for each specific objective** the types of intervention ~~set out in accordance with Table 1 of Annex VI and provide an indicative breakdown of the programmed resources by type of intervention or area of support.~~ [Am. 111]

9a. Each Member State shall publish its programme on a dedicated website and forward it to the European Parliament and to the Council. That website shall specify the actions supported in the implementation of the programme and list the beneficiaries. It shall be updated regularly, at least at the same time as the publication of the Annual Performance Report referred to in Article 30. [Am. 112]

Article 14

Mid-term review

-1. The programmes shall be subject to a mid-term review and evaluation in accordance with Article 29 of this Regulation. [Am. 113]

1. ~~In 2024~~ **By the end of 2024, and after informing the European Parliament**, the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 11(1)(b) in accordance with the criteria referred to in paragraphs 1(b) to 5 of Annex I. Funding shall be effective for the period as of the calendar year 2025. [Am. 114]

2. If at least ~~40~~ **30** % of the initial allocation of a programme referred to in Article 11(1)(a) has not been covered by payment applications ~~submitted in accordance with Article [85] of Regulation (EU) .../2021 [Common Provisions Regulation]~~, the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1. [Am. 115]

3. The allocation of the funds from the thematic facility as of 2025 shall, ~~where appropriate~~, take into account the progress made in achieving milestones of the performance framework ~~as referred to in Article [12] of Regulation (EU) .../2021 [Common Provisions Regulation]~~ and identified implementation shortcomings. [Am. 116]

Article 15

Specific actions

1. Specific actions are transnational or national projects **bringing Union added value** in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes. [Am. 117]

2. Member States may in addition to their allocation calculated in accordance with Article 11(1), receive an additional amount, provided that it is earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.

3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

Article 16

~~Resources for the Union Resettlement [and Humanitarian Admission] Framework~~

~~1. Member States shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR 10 000 for each resettled person in accordance with the targeted Union resettlement scheme. That contribution shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.~~

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- ~~2. The amount referred to in paragraph 1 shall be allocated to the Member States through the amendment of their programme provided that the person in respect of whom the contribution is allocated was effectively resettled in accordance with the Union Resettlement [and Humanitarian Admission] Framework.~~
- ~~3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.~~
- ~~4. Member States shall keep the information necessary to allow the proper identification of the resettled persons and of the date of their resettlement. [Am. 118]~~

Article 16a

Resources for resettlement and humanitarian admission

- 1. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount based on a lump sum of EUR 10 000 for each person admitted through resettlement.**
- 2. Member States shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1), receive every two years an additional amount based on a lump sum of EUR 6 000 for each person admitted through humanitarian schemes.**
- 3. Where appropriate, Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1 to ensure family unity.**
- 4. The additional amount referred to in paragraphs 1 and 2 shall be allocated to the Member States every two years, for the first time in the individual financing decisions approving their national programme and later in a financing decision to be annexed to the decisions approving their national programme.**
- 5. Taking into account the current rates of inflation, relevant developments in the field of resettlement, as well as factors which can optimise the use of the financial incentive brought by the lump sum, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the lump sum referred to in paragraphs 1 and 2 of this Article. [Am. 119]**

Article 17

Resources to support the implementation of Regulation ... [Dublin Regulation]

- ~~1. A Member State shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [10 000] for each applicant for international protection for whom that Member State becomes responsible as from when that Member State is in challenging circumstances as defined in Regulation (EU) ... [Dublin Regulation].~~
- ~~2. A Member State shall receive, in addition to their allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [10 000] for each applicant for international protection allocated to that Member State who is above the benefiting Member State's fair share.~~
- ~~3. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per applicant who has been granted international protection for the implementation of integration measures.~~
- ~~4. A Member State referred to in paragraphs 1 and 2 shall receive an additional contribution of EUR [10 000] per person for whom the Member State can establish on the basis of the updating of the data set referred to in Article 11(d) of Regulation (EU) ... [Eurodac Regulation] that the person has left the territory of the Member State, on either a compulsory or voluntarily basis in compliance with a return decision or a removal order.~~

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~~5. A Member State shall receive, in addition to its allocation calculated in accordance with Article 11(1)(a), a contribution of EUR [500] for each applicant of international protection transferred from one Member State to another, for each applicant transferred pursuant to point (c) of the first paragraph of Article 34(i) of Regulation (EU) ... [Dublin Regulation] and, where applicable, for each applicant transferred pursuant to point (g) of Article 34 (j) of Regulation (EU) ... [Dublin Regulation].~~

~~6. The amounts referred to in this Article shall take the form of financing not linked to costs in accordance with Article [125] of the Financial Regulation.~~

~~7. The additional amounts referred to in paragraphs 1 to 5 shall be allocated to the Member States in their programmes provided that the person in respect of whom the contribution is allocated was, as applicable, effectively transferred to a Member State, effectively returned or registered as an applicant in the Member State responsible in accordance with Regulation (EU) ... [Dublin Regulation].~~

~~8. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme. [Am. 120]~~

Article 17a

Resources to support the implementation of Regulation (EU) No 604/2013

1. The determining Member State shall receive, in addition to its allocation calculated in accordance with point (a) of Article 11(1) of this Regulation, refunding of the costs of reception of an applicant for international protection from the time when the application is made until the transfer of the applicant to the Member State responsible, or until the determining Member State assumes responsibility for the applicant in accordance with Regulation (EU) No 604/2013.

2. The transferring Member State shall receive, in addition to its allocation calculated in accordance with point (a) of Article 11(1) of this Regulation, refunding of the costs necessary to transfer an applicant or another person as referred to in points (c) and (d) of Article 18(1) of Regulation (EU) No 604/2013.

3. Each Member State shall, in addition to their allocation calculated in accordance with point (a) of Article 11(1) of this Regulation, receive a lump sum of EUR 10 000 for each unaccompanied minor who is granted international protection in that Member State, provided that the Member State is not eligible for a lump sum payment for that unaccompanied minor under Article 16(1).

4. The refunding referred to in this Article shall take a form of financing in accordance with Article 125 of the Financial Regulation.

5. The refunding referred to in paragraph 2 shall be allocated to the Member States in their programmes provided that the person in respect of whom the refunding is allocated was effectively transferred to a Member State in accordance with Regulation (EU) No 604/2013. [Am. 121]

Article 17b

Resources for the transfer of applicants for international protection or beneficiaries of international protection

1. With a view to implementing the principle of solidarity and fair sharing of responsibility, Member States shall receive, in addition to their allocation calculated in accordance with point (a) of Article 11(1), an additional amount based on a lump sum of EUR 10 000 for each applicant for international protection or beneficiary of international protection transferred from another Member State.

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2. *Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1, where appropriate, provided that those family members have been transferred in accordance with this Regulation.*

3. *The additional amounts referred to in paragraph 1 shall be allocated to the Member States for the first time in the individual financing decisions approving their national programme and later in a financing decision to be annexed to the decision approving their national programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.*

4. *To effectively pursue the objectives of solidarity and fair sharing of responsibility between the Member States referred to in Article 80 TFEU, and taking into account the current rates of inflation, relevant developments in the field of transfer of applicants for international protection and of beneficiaries of international protection from one Member State to another and in the field of resettlement and other ad hoc humanitarian admission, as well as factors which can optimise the use of the financial incentive brought by the lump sum, and within the limits of available resources, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to adjust, if deemed appropriate, the lump sum referred to in paragraph 1 of this Article. [Am. 122]*

Article 18

Operating support

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union;

2. A Member State may use up to 10 % of the amount allocated under the Fund to its programme to finance operating support under objectives in Article 3(2)(a) and (e). [Am. 123]

3. The Member States using operating support shall comply with the Union *acquis* on asylum and ~~return~~ **immigration and fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.** [Am. 124]

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European **Asylum Support Office, the European Union Agency for Asylum Fundamental Rights** and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out ~~in accordance with Regulation (EU) .../...~~ [EUA Regulation] **by the European Asylum Support Office** and Regulation (EU) No 1053/2013, which are within the scope of this Regulation. [Am. 125]

5. Operating support shall be concentrated on ~~specific tasks and services~~ **eligible actions** as laid down in Annex VII. [Am. 126]

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend the list of ~~specific tasks and services~~ **eligible actions** in Annex VII. [Am. 127]

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SECTION 3

SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT

Article 19

Scope

Support under this section Union shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation, or indirectly in accordance with point (c) of that Article.

Article 20

Union actions

1. Union actions are transnational projects or projects of particular interest to the Union implemented in line with the objectives of this Regulation.

2. At the Commission's initiative, the Fund may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annex III.

3. Union actions may provide funding in any of the forms laid down in the Financial Regulation in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.

4. Grants implemented under direct **and indirect** management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation. **[Am. 128]**

4a. The Commission shall ensure flexibility, fairness and transparency in the distribution of resources among the objectives referred to in Article 3(2). [Am. 129]

5. The evaluation committee assessing the proposals may be composed of external experts.

6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. ~~The provisions laid down in [Article X of] Regulation (EU) ... [successor of the Regulation on the Guarantee Fund] shall apply. [Am. 130]~~

Article 21

European Migration Network

1. The Fund shall support the European Migration Network and provide the financial assistance necessary for its activities and its future development.

2. The amount made available for the European Migration Network under the annual appropriations of the Fund and the work programme laying down the priorities for its activities shall be adopted by the Commission, after approval by the Steering Board in accordance with Article 4(5)(a) of Decision 2008/381/EC (as amended). The decision of the Commission shall constitute a financing decision pursuant to ~~Article [110]~~ of the Financial Regulation. To ensure the timely availability of resources, the Commission may adopt the work programme for the European Migration Network in a separate financing decision. **[Am. 131]**

3. Financial assistance provided for the activities of the European Migration Network shall take the form of grants to the national contact points referred to in Article 3 of Decision 2008/381/EC and procurements as appropriate, in accordance with the Financial Regulation.

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Article 21a**Amendment of Decision 2008/381/EC**

The following point is added in Article 5(5) of Decision 2008/381/EC:

'(da) act as a contact point for potential beneficiaries of funding under the Asylum, Migration and Integration Fund Regulation and provide impartial guidance, practical information and assistance regarding all aspects of the Fund, including in relation to applications for funding under the relevant national programme or the thematic facility.' [Am. 132]

Article 22**Blending operations**

Blending operations decided under this Fund, **as referred to in point (c) of Article 2(1)** shall be implemented in accordance with the [InvestEu regulation] and Title X of the Financial Regulation. [Am. 133]

Article 23**Technical assistance at the initiative of the Commission**

The Fund may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures may be financed at the rate of 100 %.

Article 24**Audits**

Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of Regulation (EU) [Regulation on the financial rules applicable to the general budget of the Union].

Article 25**Information, communication and publicity**

1. The recipients of Union funding shall ~~acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting~~ **promote** the actions and their results, by providing coherent, effective and ~~proportionate targeted~~ **meaningful** information to multiple **relevant** audiences, including the media and the public **in the relevant languages. To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public, display the Union emblem, and explicitly mention the Union's financial support.** [Am. 134]

2. **To reach the widest possible audience**, the Commission shall implement information and communication actions relating to the Fund and its actions and results. **In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.** Financial resources allocated to the Fund shall also contribute to the corporate communication on the **implementation of** political priorities of the Union, as far as they are related to the objectives of this Regulation. **In particular, the Commission may promote best practices and exchange information as regards to the implementation of the instrument.** [Am. 135]

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2a. *The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council ⁽²⁷⁾, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary, and name of contractor.* [Am. 136]

SECTION 4

SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT

Article 26

Emergency assistance

1. ~~The Fund shall~~ **Commission may decide to** provide financial assistance to address urgent and specific needs in the event of an emergency situation resulting from one or more of the following: [Am. 137]

(a) ~~heavy migratory pressure in one or more Member States characterised by a~~ **an unforeseen** large or disproportionate inflow of third-country nationals **in one or more Member States**, which places significant and urgent demands on their reception and detention facilities, **child protection systems, and** asylum and migration management systems and procedures; [Am. 138]

(aa) voluntary relocation; [Am. 139]

(b) the implementation of temporary protection mechanisms within the meaning of Directive 2001/55/EC ⁽²⁸⁾;

(c) ~~heavy migratory pressure~~ **an unforeseen large or disproportionate inflow of persons** in third countries, including where persons in need of protection may be stranded due to political developments, ~~or~~ **conflicts or natural disasters**, notably where it might have an impact on migration flows towards the EU. [Am. 140]

1a. Measures implemented in third countries in accordance with this Article shall be consistent with, and, where relevant, complementary to the Union humanitarian policy and respect humanitarian principles as set out in the Consensus on Humanitarian Aid. [Am. 141]

1b. In cases as described under points (a), (aa), (b) and (c) of paragraph 1 of this Article, the Commission shall inform the European Parliament and the Council without delay. [Am. 142]

2. Emergency assistance may take the form of grants awarded directly to the ~~decentralised agencies~~ **European Asylum Support Office, UNHCR, and local and regional authorities subject to unforeseen large or disproportionate inflows of third country nationals, and in particular those responsible for the reception and integration of unaccompanied child migrants.** [Am. 143]

3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 11(1) and Annex I, provided that it is earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

⁽²⁷⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

⁽²⁸⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

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4. Grants implemented under direct management shall be awarded and managed in accordance with ~~[Title VIII]~~ of the Financial Regulation. **[Am. 144]**

4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021. [Am. 145]

Article 27

Cumulative, complementary and combined funding

1. An ~~action~~ **operation** that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The **programmes presented by the Commission shall interact and complement each other and be drawn up with the necessary degree of transparency to avoid any duplication. The** rules of each contributing Union programme shall apply to its respective contribution to the ~~action~~ **operation**. The cumulative funding shall not exceed the total eligible costs of the ~~action~~ **operation** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support. **[Am. 146]**

2. ~~Actions~~ **Operations** awarded a seal of Excellence certification, or which comply with the following cumulative comparative conditions: **[Am. 147]**

- (a) they have been assessed in a call for proposals under the instrument;
- (b) they comply with the minimum quality requirements of that call for proposals;
- (c) they may not be financed under that call for proposals due to budgetary constraints.

may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article [67] of Regulation (EU) ../.. [Common Provisions Regulation] and Article [8] or Regulation (EU) ../.. [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

SECTION 5

MONITORING, REPORTING AND EVALUATION

SUB SECTION 1

COMMON PROVISIONS

Article 28

Monitoring and reporting

1. In compliance with its reporting requirements pursuant to ~~Article [43(3)(h)(i)(iii)]~~ of the Financial Regulation, the Commission shall present to the European Parliament and the Council, **at least annually**, information on performance in accordance with Annex V. **[Am. 148]**

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.

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3. The indicators to report on progress of the Fund towards the achievement of the objectives of this Regulation are set in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. **Upon request, the data received by the Commission on output and result indicators shall be made available to the European Parliament and to the Council.** [Am. 149]

4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and where relevant Member States.

5. In order to ensure effective assessment of the progress of the Fund towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States.

~~Article 29~~

~~Evaluation~~

~~1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund.~~

~~2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process.~~ [Am. 150]

Article 29a

Evaluation

1. **By 31 December 2024, the Commission shall present a mid-term evaluation of the implementation of this Regulation. The mid-term evaluation shall examine the effectiveness, efficiency, simplification and flexibility of the Fund. More specifically, it shall include an assessment of:**

(a) progress towards the achievement of the objectives of this Regulation, taking into account all relevant information available, in particular the annual performance reports submitted by the Member States under Article 30 and the output and result indicators set out in Annex VIII;

(b) the Union added value of the actions and operations implemented under the Fund;

(c) the contribution to Union solidarity in the field of asylum and migration;

(d) the continued relevance of the implementation measures set out in Annex II and the actions set out in Annex III;

(e) the complementarity, coordination and coherence between the actions supported under this Fund and the support provided by other Union funds, such as the structural funds, and external financing instruments of the Union;

(f) the longer term impacts and the sustainability effects of the Fund.

The midterm evaluation shall take into account retrospective evaluation results on the long-term impact of the predecessor fund — the Asylum, Migration and Integration Fund 2014–2020 — and shall, where appropriate, be accompanied by a legislative proposal for the revision of this Regulation.

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2. By 31 January 2030, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council. The retrospective evaluation shall include an assessment of all of the elements set out in paragraph 1. In that regard, the longer-term impacts and the sustainability of effects of the Fund shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund.

The mid-term and retrospective evaluation reports referred to in the first paragraph and the first subparagraph of this paragraph shall be conducted with meaningful participation of social partners, civil society organisations, including migrants and refugees' organisations, equality bodies, national human rights institutions and other relevant organisations in accordance with the partnership principle as laid down in Article 3a.

3. In its mid-term and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with in Article 5, Article 6 and Article 13(8). [Am. 151]

SUB SECTION 2

RULES FOR SHARED MANAGEMENT

Article 30

Annual performance reports

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) .../2021 [Common Provisions Regulation]. The report submitted in 2023 shall cover the implementation of the programme in the period to 30 June 2022. **Member States shall publish these reports on a dedicated website and forward them to the European Parliament and the Council.** [Am. 152]

2. The annual performance report shall in particular set out information on:

(a) progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest **cumulative** data as required by Article [37] of Regulation (EU) .../2021 [Common Provisions Regulation] **transmitted to the Commission;** [Am. 153]

(aa) **a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred;** [Am. 154]

(b) any issues affecting the performance of the programme and the action taken to address them, **including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258 TFEU;** [Am. 155]

(c) the complementarity, **coordination and coherence** between the actions supported by the **under this** Fund and **the** support provided by other Union funds, **in particular those in or in relation to third countries such as the structural funds, and external financing instruments of the Union;** [Am. 156]

(d) contribution of the programme to the implementation of the relevant Union acquis and action plans **and to cooperation and solidarity between Member States in the field of asylum;** [Am. 157]

(da) **compliance with fundamental rights requirements;** [Am. 158]

(e) the implementation of communication and visibility actions;

(f) the fulfilment of the applicable enabling conditions and their application throughout the programming period;

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- (g) the number of persons resettled **or admitted** with the help of the Fund in line with the amounts referred to in Article 16(1) **and (2)**; [Am. 159]
- (h) the number of applicants for or beneficiaries of international protection transferred from one Member State to another in line with Article ~~17~~ **17b**. [Am. 160]
- (ha) the number of vulnerable persons assisted through the programme, including children and those granted international protection**; [Am. 161]

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations by that deadline, the report shall be deemed to have been accepted. **Once accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council, and shall publish them on a dedicated website. If not forwarded by the Member States in accordance with paragraph 1, the full text of the annual performance report shall be made available to the European Parliament and the Council on request.** [Am. 162]

4. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 33(2).

Article 31

Monitoring and reporting

1. Monitoring and reporting in accordance with Title IV of Regulation (EU) .../... [Common Provisions Regulation] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts to amend the types of intervention in accordance with Article 32.

2. These indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) .../2021 [Common Provisions Regulation].

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 32

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2. The power to adopt delegated acts referred to in Articles **4, 9, 13, 16, 17b**, 18, 28 and 31 shall be conferred on the Commission until 31 December 2028. [Am. 163]
- 3. The delegation of powers referred to in Articles **4, 9, 13, 16, 17b**, 28 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. [Am. 164]
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

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5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and to the Council thereof.
6. A delegated act adopted pursuant to Articles **4, 9, 13, 16, 17b**, 18, 28 and 31 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. [**Am. 165**]

Article 33

Committee procedure

1. The Commission shall be assisted by the Coordination Committee for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 30(4).

Article 34

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned under the Asylum, Migration and Integration Fund for the period 2014-2020 established by Regulation (EU) No 516/2014, which shall continue to apply to the actions concerned until their closure.
2. The financial envelope for the Fund may also cover technical and administrative assistance expenses necessary to ensure the transition between the Fund and the measures adopted under its predecessor, the Asylum, Migration and Integration Fund established by Regulation (EU) No 516/2014.

Article 35

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament

The President

For the Council

The President

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ANNEX I

Criteria for the allocation of funding to the programmes under shared management

1. The available resources referred to in Article 11 shall be broken down between the Member States as follows:

- (a) Each Member State shall receive a fixed amount of EUR ~~5 000 000~~ **10 000 000** from the Fund at the start of the programming period only; [**Am. 166**]
- (b) The remaining resources referred to in Article 11 shall be distributed based on the following criteria:
 - 30 % for asylum;
 - 30 % for legal migration and integration;
 - 40 % for countering irregular migration including returns.

2. The following criteria in the area of asylum will be taken into account and shall be weighted as follows:

- (a) 30 % in proportion to the number of persons who fall into one of the following categories:
 - Any third-country national or stateless person having been granted the status defined by the Geneva Convention;
 - Any third-country national or stateless person enjoying a form of subsidiary protection with the meaning of recast Directive 2011/95/EU ⁽¹⁾;
 - Any third-country national or stateless person enjoying temporary protection within the meaning of Directive 2001/55/EC ⁽²⁾
- (b) 60 % in proportion to the number of third-country nationals or stateless persons who have applied for international protection.
- (c) 10 % in proportion to the number of third-country nationals or stateless persons who are being or have been resettled in a Member State.

3. The following criteria in the area of legal migration and integration will be taken into account and shall be weighted as follows:

- (a) 40 % in proportion to the total number of legally residing third-country nationals in a Member State.
- (b) 60 % in proportion to the number of third-country nationals who have obtained a first residence permit.
- (c) However, for the purpose of the calculation referred to in paragraph 3(b), the following categories of persons shall not be included:
 - Third country nationals being issued a work-related first residence permits valid for less than 12 months;

⁽¹⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

⁽²⁾ Data to be taken into account only in case of the activation of the Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

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- Third-country nationals admitted for the purposes of studies, pupil exchange, unremunerated training or voluntary service in accordance with Council Directive 2004/114/EC⁽³⁾ or when applicable the Directive (EU) 2016/801⁽⁴⁾;
- Third-country nationals admitted for purposes of scientific research in accordance with Council Directive 2005/71/EC⁽⁵⁾ or when applicable the Directive (EU) 2016/801.
4. ~~The following criteria~~ In the area of countering irregular migration including returns, **the following criterion** will be taken into account ~~and shall be weighted as follows~~: [Am. 167]
- (a) ~~50 % in proportion to~~ The number of third-country nationals who do not or no longer fulfil the conditions for entry and stay in the territory of the Member State and who are subject to a **final** return decision under national and / or ~~Community~~ **Union** law, i.e. an administrative or judicial decision or act, stating or declaring the illegality of stay and imposing an obligation to return; [Am. 168]
- (b) ~~50 % in proportion to the number of third-country nationals who have actually left the territory of the Member State following an administrative or judicial order to leave, whether undertaken voluntarily or under coercion~~: [Am. 169]
5. For initial allocation the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years on the basis of data provided by Member States on the date of the applicability of this Regulation in accordance with Union law. **Data should be disaggregated by age and sex, by specific vulnerabilities and by asylum status, including those on children.** For the mid-term review, the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding three calendar years available at the time of the mid-term review in 2024 on the basis of data provided by Member States in accordance with Union law. Where Member States have not supplied the Commission (Eurostat) with the statistics concerned, they shall provide provisional data as soon as possible. [Am. 170]
6. Before accepting these data as reference figures, the Commission (Eurostat) shall evaluate the quality, comparability and completeness of the statistical information in accordance with normal operational procedures. At the request of the Commission (Eurostat), Member States shall provide it with all the necessary information to do so.

⁽³⁾ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375, 23.12.2004, p. 12).

⁽⁴⁾ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

⁽⁵⁾ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, p. 15).

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ANNEX II

Implementation measures

1. The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:
 - (a) ensuring a uniform application of the Union *acquis* and of the priorities related to the Common European Asylum System;
 - (b) supporting the capacity of Member States' asylum systems, **including at local and regional level**, as regards ~~infrastructures~~ **infrastructure, such as adequate reception conditions, in particular for minors**, and services, **such as legal assistance and representation and interpretation** where necessary; [Am. 171]
 - ~~(c) enhancing solidarity and responsibility sharing between the Member States, in particular towards those most affected by migratory flows, as well as providing support to Member States contributing to solidarity efforts; [Am. 172]~~
 - (d) enhancing solidarity and cooperation with third countries ~~affected by migratory flows~~ **to which a large number of persons in need of international protection has been displaced**, including **by fostering those countries' capacity to improve reception and international protection conditions and** through resettlement and other legal avenues to protection in the Union **in particular for vulnerable groups such as children and adolescents facing protection risks** as well as partnership and cooperation with third countries ~~for the purpose of managing migration~~ **in the context of global cooperation efforts in the area of international protection.** [Am. 173]
 - ~~(da) implementing technical and operational assistance to one or several other Member States in cooperation with the European Asylum Support Office. [Am. 174]~~
2. The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:
 - (a) supporting the development and implementation of policies promoting legal migration, **including family reunification**, and the implementation of the Union legal migration *acquis*, **in particular the legal labour migration instruments in line with applicable international standards on migration and the protection of migrant workers;** [Am. 175]
 - ~~(aa) promoting and developing structural and supporting measures facilitating regular entry to and residence in the Union; [Am. 176]~~
 - ~~(ab) enhancing partnership and cooperation with third countries affected by migratory flows including through legal avenues of entry to the Union for the purpose of global cooperation efforts in the area of migration; [Am. 177]~~
 - ~~(b) promoting early integration measures for the social and economic inclusion of third country nationals, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities and civil society organisations. [Am. 178]~~
- 2a. **The Fund shall contribute to the specific objective set out in point (c) of Article 3(2), by focusing on the following implementation measures:**
 - (a) **promoting integration measures for the social and economic inclusion of third country nationals, facilitating family reunification, preparing their active participation in and their acceptance by the receiving society, in particular with the involvement of local or regional authorities, non-governmental organisations, including refugees and migrants organisations and social partners; and**

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- (b) **promoting and implementing protection measures for vulnerable persons in the context of integration measures.** [Am. 179]
3. The Fund shall contribute to the specific objective set out in **point (ca) of Article 3(2)(e) 3(2)**, by focusing on the following implementation measures: [Am. 180]
- (a) ensuring a uniform application of the Union *acquis* and policy priorities regarding infrastructure, procedures and services;
 - (b) supporting an integrated and coordinated approach to return management at the Union and Member States' level, to the development of capacities for effective, **dignified** and sustainable return and reducing incentives for irregular migration; [Am. 181]
 - (c) supporting assisted voluntary return, **family tracing** and reintegration, **while respecting the best interests of minors**; [Am. 182]
 - (d) strengthening cooperation with third countries and their capacities to implement readmission agreements ~~and other arrangements, and~~ **including reintegration to** enable sustainable return. [Am. 183]
- 3a. **The Fund shall contribute to the specific objective set out in point (cb) of Article 3(2) by focusing on the following implementation measures:**
- (a) **promoting and implementing the respect of international law and the Charter of Fundamental Rights of the European Union in asylum and migration policies and measures;**
 - (b) **enhancing solidarity and responsibility-sharing between the Member States, in particular solidarity towards those most affected by migratory flows, as well as providing support to Member States at central, regional or local level, to international organisations, to non-governmental organisations and to social partners in their solidarity efforts;**
 - (c) **supporting transfers of applicants for international protection or beneficiaries of international protection from one Member State to another.** [Am. 184]
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ANNEX III

~~Scope of support~~ **Eligible actions to be supported by the instrument in accordance with Article 3 [Am. 185]**

1. Within the policy objective referred to in Article 3(1), the Fund shall ~~in particular~~ support the following: [Am. 186]
 - (a) the establishment and development of national, **regional and local** strategies ~~in~~ **for the implementation of the Union acquis relating to** asylum, legal migration, integration, **in particular local integration strategies**, return and irregular migration; [Am. 187]
 - (b) the setting up of administrative structures, systems and tools and training of staff, including local authorities and other relevant stakeholders **in cooperation with relevant Union agencies, where appropriate**; [Am. 188]
 - (c) the development, monitoring and evaluation of policies and procedures including ~~on the development, collection and exchange of information and data,~~ **analysis, dissemination of qualitative and quantitative data and statistics on migration and international protection and the** development and application of common statistical tools, methods and indicators for measuring progress and assessing policy developments; [Am. 189]
 - (d) the exchanges of information, best practices and strategies, mutual learning, studies and research, the development and implementation of joint actions and operations and the setting-up of transnational cooperation networks;
 - (e) **gender-sensitive** assistance and support services consistent with the status and the needs of the person concerned, in particular ~~the vulnerable groups~~ **persons**; [Am. 190]
 - (ea) **the effective protection of children in migration, including the implementation of best interests of the child assessments before decisions are taken, all measures listed in the Commission Communication of 12 April 2017 on the Protection of Children in Migration, such as providing appropriate housing for, and a timely appointment of guardians to, all unaccompanied minors, contributions to the European Network of Guardianship Institutions, and the development, monitoring and evaluation of child safeguarding policies and procedures, including a child-rights based compliant mechanism**; [Am. 191]
 - (f) actions aimed at enhancing awareness of asylum, integration, legal migration and return policies **with specific attention to vulnerable groups, including minors**, among stakeholders and the general public; [Am. 192]
2. Within the specific objective referred to in Article 3(2)(a), the Fund shall ~~in particular~~ support the following actions: [Am. 193]
 - (a) providing material aid, including assistance at the border, **child-friendly and gender-sensitive facilities, emergency services provided by local authorities, education, training, support services, legal assistance and representation, health and psychological care**; [Am. 194]
 - (b) conducting asylum procedures, **including family tracing and ensuring access to legal assistance and representation and interpretation for asylum applicants at all stages of the procedure**; [Am. 195]
 - (c) identifying applicants with special procedural or reception needs, **including the early identification of victims of trafficking, minors and other vulnerable persons such as victims of torture and gender-based violence, and referral to specialised services**; [Am. 196]

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- (ca) **providing qualified psycho-social and rehabilitation services to victims of violence and torture, including gender-based violence; [Am. 197]**
- (d) establishing or improving reception accommodation infrastructure, **such as housing in small units and small-scale infrastructure addressing the needs of families with minors, including those provided by local and regional authorities and** including the possible joint use of such facilities by more than one Member State; [Am. 198]
- (da) **providing alternative forms of care that are integrated into existing national child protection systems and address the needs of all children in accordance with international standards; [Am. 199]**
- (e) enhancing the capacity of Member States to collect, analyse and disseminate **share among themselves** country of origin information; [Am. 200]
- (f) actions related to the conducting of procedures for the implementation of the Union **national** resettlement ~~and or humanitarian admission] Framework or national resettlement schemes that are compatible with the Union Resettlement Framework~~ **as set out in this Regulation; [Am. 201]**
- (g) transfers of **applicants and** beneficiaries of international protection; [Am. 202]
- (h) enhancing capacities of third countries to improve the protection of persons in need of protection, **including through supporting the development of strong child protection mechanisms in third countries, ensuring that children are protected in all areas from violence, abuses and neglect and have access to education and health care; [Am. 203]**
- (i) establishing, developing and improving effective alternatives to detention **and institutional care**, in particular in relation to unaccompanied minors and **children with families in compliance with the United Nations Convention on the Rights of the Child. [Am. 204]**
3. Within the specific objective referred to in Article 3(2)(b), the Fund shall ~~in particular~~ support the following: [Am. 205]
- (a) information packages and campaigns to raise awareness of legal migration channels to the Union, including on the Union legal migration *acquis*;
- (b) development of mobility schemes to the Union, ~~such as~~ **including but not limited to** circular or temporary migration schemes, including **vocational and other** training to enhance employability; [Am. 206]
- (c) cooperation between third countries and the recruitment agencies, the employment services and the immigration services of Member States;
- (d) the assessment **and recognition** of skills and qualifications, **including professional experience**, acquired in a third country, as well as their transparency and compatibility with those of a Member State **and the development of common evaluation standards; [Am. 207]**
- (e) assistance in the context of applications for family reunification ~~within the meaning~~ **to ensure a harmonised implementation** of Council Directive 2003/86/EC⁽¹⁾; [Am. 208]
- (f) assistance, **including legal assistance and representation**, in relation to a change of status for third-country nationals already legally residing in a Member State, in particular in relation to the acquisition of a legal residence status defined at Union level; [Am. 209]

⁽¹⁾ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, (OJ L 251, 03.10.2003, p. 12).

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- (fa) *assistance in relation to the exercise of the rights of third country nationals legally staying in the Union, notably relating to mobility within the Union and to access to employment; [Am. 210]*
- ~~(g) early integration measures such as tailored support in accordance with the needs of third country nationals and integration programmes focusing on education, language and other training such as civic orientation courses and professional guidance; [Am. 211]~~
- ~~(h) actions promoting equality in the access and provision of public and private services to third country nationals, including adapting them to the needs of the target group; [Am. 212]~~
- ~~(i) cooperation between governmental and non governmental bodies in an integrated manner, including through coordinated integration support centres, such as one-stop shops; [Am. 213]~~
- ~~(j) actions enabling and supporting third country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society; [Am. 214]~~
- ~~(k) promoting exchanges and dialogue between third country nationals, the receiving society and public authorities, including through the consultation of third country nationals, and intercultural and inter religious dialogue. [Am. 215]~~
- 3a. *Within the specific objective referred to in point (c) of Article 3(2), the Fund shall in particular support the following:*
- (a) *integration measures such as tailored support in accordance with the needs of third-country nationals and integration programmes focusing on inclusive education and care, language, counselling, vocational training and other training such as civic orientation courses and professional guidance;*
- (b) *building capacity of integration services provided by local authorities;*
- (c) *actions promoting equality in the access and provision of public and private services to third-country nationals, including access to education, healthcare and psycho-social support and adapting them to the needs of the target group;*
- (d) *cooperation between governmental and non-governmental bodies in an integrated manner, including through coordinated integration-support centres, such as one-stop shops;*
- (e) *actions enabling and supporting third-country nationals' introduction to and active participation in the receiving society and actions promoting acceptance by the receiving society;*
- (f) *promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue. [Am. 216]*
4. *Within the specific objective referred to in point (ca) of Article 3(2)(e), the Fund shall in particular support the following: [Am. 217]*
- (a) *improvement of infrastructure for open reception ~~or~~ and improvement of existing infrastructure for detention, including the possible joint use of such facilities by more than one Member State; [Am. 218]*
- (b) *introduction, development, **implementation** and improvement of effective alternative measures to detention, based on case management in the community, in particular in relation to unaccompanied minors and families; [Am. 219]*

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- (ba) **identification and reception of victims of trafficking in accordance with Directive 2011/36/EU and Council Directive 2004/81/EC** ⁽²⁾; [Am. 220]
- (c) introduction and reinforcement of independent and effective systems for monitoring forced return, as laid down in Article 8(6) of Directive 2008/115/EC ⁽³⁾;
- (d) ~~countering~~ **reducing** incentives for irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC ⁽⁴⁾; [Am. 221]
- (e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents and family tracing;
- (f) cooperation with the consular authorities and immigration services or other relevant authorities and services of third countries with a view to obtaining travel documents, facilitating return and ensuring readmission including through the deployment of third-country liaison officers;
- (g) return assistance, in particular assisted voluntary return and information about assisted voluntary return programmes, **including by providing specific guidance for children in return procedures and ensuring child-rights based return procedures**; [Am. 222]
- (h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;
- (i) measures to support the returnee's durable return and reintegration;
- (j) facilities and **support** services in third countries ensuring appropriate temporary accommodation and reception upon arrival, ~~including for unaccompanied minors and other vulnerable groups in line with international standards~~ **and a fast transition to community based accommodation**; [Am. 223]
- (k) cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements ~~and other arrangements~~; [Am. 224]
- (l) measures aimed at raising awareness of the appropriate legal channels for ~~immigration~~ **migration** and the risks of ~~illegal~~ **irregular** immigration; [Am. 225]
- (m) ~~support for and actions in third countries, including on infrastructure, equipment and other measures, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.~~ [Am. 226]

4a. Within the specific objective referred to in point (cb) of Article 3(2), the Fund shall support the following:

- (a) **the implementation of transfers of either applicants for international protection or beneficiaries of international protection from one Member State to another, including those measures referred to in Article 17b of this Regulation;**

⁽²⁾ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 6.8.2004, p. 19).

⁽³⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁽⁴⁾ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

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- (b) *operational support in terms of seconded staff or financial assistance provided by a Member State to another Member State affected by migration challenges;*
 - (c) *actions related to the conducting of procedures for the implementation of national resettlement or humanitarian admission schemes. [Am. 227]*
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ANNEX IV

Actions eligible for higher co-financing in line with Articles 12(2) and 13(7)

- Integration measures implemented by local and regional authorities and civil-society organisations, **including refugee and migrant organisations**; [Am. 228]
 - Actions to develop and implement effective alternatives to detention **and institutional care**; [Am. 229]
 - Assisted Voluntary Return and Reintegration programmes and related-activities;
 - Measures targeting vulnerable persons and applicants for international protection with special reception and/or procedural needs, including measures to ensure effective protection of children in migration, in particular ~~those~~ unaccompanied **minors**. [Am. 230]
-

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ANNEX V

Core performance indicators referred to in Article 28(1)

Specific objective 1: To strengthen and develop all aspects of the Common European Asylum System, including its external dimension:

-1. All the core performance indicators listed below shall be disaggregated by sex and age. [Am. 231]

1. Number of persons resettled with the support of the Fund.

1a. Number of persons admitted through humanitarian admission schemes; [Am. 232]

2. Number of persons in the reception system as compared to the number of asylum applicants.

3. Convergence of protection recognition rates for asylum seekers from the same country.

3a. Number of applicants for international protection transferred from one Member State to another with support of the Fund; [Am. 233]

3b. Number of beneficiaries for international protection transferred from one Member State to another with support of the Fund; [Am. 234]

Specific objective 1a: To support legal migration to the Member States:

1. **Number of Blue Cards issued with the support of the Fund.**

2. **Number of intra-corporate transferees granted that status with the support of the Fund.**

3. **Number of applicants for family reunification effectively reunited with their family with the support of the Fund.**

4. **Number of third-country nationals granted long-term residence permits with the support of the Fund. [Am. 235]**

Specific objective 2: To ~~support legal migration to the Member States including to~~ contribute to the integration of third-country nationals: **[Am. 236]**

1. Number of persons who participated in pre-departure measures supported by the Fund.

2. Number of persons who participated in integration measures supported by the Fund ~~reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund. [Am. 237]~~

2a. Number of persons who participated in integration measures supported by the Fund who have subsequently obtained a job. [Am. 238]

2b. Number of persons who participated in integration measures supported by the Fund and who have had their qualification recognised or have obtained a diploma in one of the Member States. [Am. 239]

Specific objective 3: To contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries:

1. Number of returns **supported by the Fund** following an order to leave compared to the number of third-country nationals ordered to leave. **[Am. 240]**

2. Number of returnees who have received pre or post-return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.

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Specific objective 3a: To ensure solidarity and fair sharing of responsibility:

1. *Number of transfers of applicants for international protection carried out under Article 17b of this Regulation.*
 - 1a. *Number of transfers of beneficiaries of international protection carried out under Article 17b of this Regulation.*
 2. *Number of staff seconded or financial support provided to Member States subject to migration challenges.*
 3. *Number of persons resettled or admitted under humanitarian schemes with the support of the Fund. [Am. 241]*
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ANNEX VI

Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

I. CEAS	
001	Reception conditions
002	Asylum procedures
003	Implementation of the Union acquis
004	Children in migration
005	Persons with special reception and procedural needs
006	Resettlement
007	Solidarity efforts between Member States
008	Operating support
II. Legal migration and integration	
001	Development of integration strategies
002	Victims of trafficking in human beings
003	Integration measures — information and orientation, one stop shops
004	Integration measures — language training
005	Integration measures — civics and other training
006	Integration measures — Introduction, participation, exchanges host society
007	Integration measures — basic needs
008	Pre-departure measures
009	Mobility schemes
010	Acquisition of legal residence
III. Return	
001	Alternatives to detention
002	Reception/detention conditions
003	Return procedures

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004	Assisted voluntary return
005	Reintegration assistance
006	Removal/Return operations
007	Forced-return monitoring system
008	Vulnerable persons/UAMs
009	Measures addressing incentives for irregular migration
010	Operating support

IV. Technical assistance

001	Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
004	Capacity building

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

001	Development of national strategies
002	Capacity building
003	Education and training for third-country nationals
004	Development of statistical tools, methods and indicators
005	Exchange of information and best practices
006	Joint actions/operations (between MS)
007	Campaigns and information
008	Exchange and secondment of experts
009	Studies, pilot projects, risk assessments
010	Preparatory, monitoring, administrative and technical activities
011	Provision of assistance and support services to TCN

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012	Infrastructure
013	Equipment

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

001	Specific action
002	Emergency assistance
003	Cooperation with third countries
004	Actions in third countries
005	Strategic Union priorities

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ANNEX VII

Eligible actions for operating support

Within the specific objective to strengthen and develop all aspects of the Common European Asylum System, including its external dimension, and the specific objective to contribute to countering irregular migration, ensuring effectiveness of return and readmission in third countries, operating support shall cover:

- staff costs;
 - service costs, such as maintenance or replacement of equipment;
 - service costs, such as maintenance and repair of infrastructure.
-

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ANNEX VIII

Output and result indicators referred to in Article 28(3)

-1. All the core performance indicators listed below shall be disaggregated by sex and age. [Am. 242]

Specific objective 1: To strengthen and develop all aspect of the Common European Asylum System, including its external dimension:

1. Number of target group persons provided with assistance with the support of the Fund:
 - (a) Number of target group persons benefiting from information and assistance throughout the asylum procedures;
 - (b) Number of target group persons benefiting from legal assistance and representation;
 - (c) Number of vulnerable persons, victims of trafficking in human beings, and unaccompanied minors benefiting from specific assistance.
2. Capacity (number of places) in new reception accommodation infrastructure set up in line with the common requirements for reception conditions set out in the Union acquis and of existing reception accommodation infrastructure, improved in accordance with the same requirements as a result of the projects supported by the Fund and percentage in the total reception accommodation capacity;
3. Number of places adapted for unaccompanied minors (UAM) supported by the Fund as compared to the total number of places adapted for unaccompanied minors;
4. Number of persons trained in asylum-related topics with the assistance of the Fund, and that number as a percentage of the total number of staff trained in those topics;
5. Number of applicants for international protection transferred from one Member State to another with support of the Fund;
6. Number of persons resettled with the support of the Fund.

Specific objective 1a: To support legal migration to the Member States:

1. **Number of Blue Cards issued with the support of the Fund.**
2. **Number of intra-corporate transferees granted that status with the support of the Fund.**
3. **Number of applicants for family reunification effectively reunited with their family with the support of the Fund.**
4. **Number of third-country nationals granted long-term residence permits with the support of the Fund. [Am. 243]**

Specific objective 2: To support legal migration to the Member States including to contribute to the integration of third-country nationals: **[Am. 244]**

1. Number of persons who participated in pre-departure measures supported by the Fund.
2. Number of local and regional authorities that have implemented integration measures with the support of the Fund.
- 2a. **Number of persons who participated in integration measures supported by the Fund who have subsequently obtained a job. [Am. 245]**
- 2b. **Number of persons who participated in integration measures supported by the Fund and who have subsequently obtained a diploma in one of the Member States. [Am. 246]**

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3. Number of persons who participated in measures supported by the Fund focusing on:
 - (a) education and training;
 - (b) labour market integration;
 - (c) access to basic services; and
 - (d) active participation and social inclusion.
4. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund;
- 4a. ***Number of third-country nationals having completed successfully either primary, secondary or tertiary education in the Member State with the support of the Fund. [Am. 247]***

Specific objective 3: To contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries:

1. Number of places in detention centres created/renovated with support from the Fund, as compared to the total number of created/renovated places in detention centres.
2. Number of persons trained on return-related topics with the assistance of the Fund.
3. Number of returnees whose return was co-financed by the Fund as compared to the total number of returns following an order to leave:
 - (a) persons who returned voluntarily;
 - (b) persons who were removed.
4. Number of returnees who have received pre or post return reintegration assistance co-financed by the Fund, as compared to the total number of returns supported by the Fund.
 - (a) ***persons who returned voluntarily;***
 - (b) ***persons who were removed; [Am. 248]***

Specific objective 3a: *To ensure solidarity and fair sharing of responsibility:*

1. ***Number of transfers of applicants for international protection carried out under Article 17b of this Regulation.***
 - 1a. ***Number of transfers of beneficiaries of international protection carried out under Article 17b of this Regulation.***
 2. ***Number of staff seconded or financial support provided to Member States subject to migration challenges.***
 3. ***Number of persons resettled with the support of the Fund. [Am. 249]***
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P8_TA(2019)0176

Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa (COM(2018)0473 — C8-0272/2018 — 2018/0249(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/63)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0473),
 - having regard to Article 294(2) and Articles 77(2) and 79(2)(d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0272/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 October 2018 ⁽¹⁾,
 - 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 (A8-0089/2019),
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(2018)0249

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) and 79(2)(d) thereof

Having regard to the proposal from the European Commission,

⁽¹⁾ Not yet published in the Official Journal.

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) ~~In the context of evolving migratory challenges in the European Union, as well as security concerns, preserving the careful balance between free movement of persons on the one hand, and security on the other is of utmost importance.~~ The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the **European** Union (TFEU) should be achieved, among others, through common measures on the crossing of internal borders by persons and on border controls at external borders and the common visa policy, **while preserving the careful balance between free movement of persons on the one hand and security on the other.** [Am. 1]
- (2) Pursuant to Article 80 TFEU, these policies and their implementation should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.
- (3) In the Rome Declaration signed on 25 September 2017, leaders of 27 Member States affirmed their determination to **ensure** a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime. [Am. 2]
- (3a) **Actions funded under this Instrument should be implemented in full compliance with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the principle of fair treatment of third-country nationals, the right to asylum and international protection, the principle of non-refoulement and the international obligations of the Union and Member States arising from international instruments to which they are signatory such as the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.** [Am. 3]
- (4) The objective of the Union's policy in the field of external border management is to develop and implement **the concept of** European integrated border management at national and Union level, **in order to facilitate legitimate border crossings, to prevent and detect irregular immigration and cross-border crime and to support the common visa policy,** which ~~is a precondition for~~ **should reinforce** the free movement of persons within the Union and is a fundamental component of an area of freedom, security and justice. [Am. 4]
- (5) European integrated border management, as implemented by the European Border and Coast Guard, established by Regulation (EU) 2016/1624 of the European Parliament and of the Council ⁽⁴⁾, composed of the European Border and Coast Guard Agency and the national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, ~~is necessary for~~ **should help to harmonise border control, thus**

⁽¹⁾ OJ C [...], [...], p. [...].

⁽²⁾ OJ C [...], [...], p. [...].

⁽³⁾ Position of the European Parliament of 13 March 2019.

⁽⁴⁾ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

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improving migration management - **including facilitating access to international protection for those in need of it — and providing increased and security by contributing to combatting cross-border crime and terrorism.** [Am. 5]

- (6) Facilitating legitimate travel, ~~while preventing irregular migration and security risks~~, was identified as one the main objectives of the Union's response to the challenges in these areas in the Commission's Communication on A European Agenda on Migration ⁽⁵⁾. [Am. 6]
- (7) ~~The European Council of 15 December 2016 ⁽⁶⁾ called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017 ⁽⁷⁾ underlined the need to improve interoperability between databases and on 12 December 2017 the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems ⁽⁸⁾.~~ [Am. 7]
- (8) **In an attempt** to preserve the integrity of the Schengen area and to ~~strengthen its functioning~~ **reinforce the security of Union's external borders**, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. ~~Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross border cooperation, in addition to the systematic checks already being carried out on all third-country nationals entering the Schengen area. However, it has proven necessary to use targeted checks in place of systematic checks at a number of external border crossing points, on account of the disproportionate impact of systematic checks on the flow of cross-border traffic ⁽⁹⁾.~~ [Am. 8]
- (8a) **The Commission has also issued Recommendation (EU) 2017/1804 ⁽¹⁰⁾ to Member States to make better use of police checks and cross-border cooperation in order to limit the impact on free movement and to remedy the threat to public policy or internal security. Despite different measures put in place, a number of Member States continue to maintain unlawful internal border control, undermining the basic principle of the Schengen Area.** [Am. 9]
- (9) Financial support from the Union budget is indispensable ~~to~~ **for** the implementation of European integrated border management to support Member States in managing the crossing of the external borders efficiently and in addressing migratory challenges and potential future threats **future challenges** at those borders, thereby contributing to addressing serious crime with a cross-border dimension while acting in full respect of fundamental rights. [Am. 10]
- (10) To promote the implementation of the European integrated border management defined by its components in accordance with Article 4 of Regulation (EU) 2016/1624: border control, search and rescue during border surveillance, risk analysis, cooperation between Member States (supported and coordinated by the European Border and Coast Guard Agency), ~~inter-agency~~ **inter agency** cooperation (including the regular exchange of information), cooperation with third countries, technical and operational measures within the Schengen area related to border control and designed to address ~~illegal~~ **irregular** immigration and to counter cross-border crime better, use of state-of-the-art technology, quality control and solidarity mechanisms, and to ensure that it becomes an operational reality, Member States should be provided with adequate Union financial support. [Am. 11]
- (11) As customs authorities of the Member States have been taking up an increasing number of responsibilities which often extend to the field of security and take place at the external border, ~~ensuring uniformity~~ **it is important to foster inter agency cooperation, including information sharing through existing information exchange tools, as**

⁽⁵⁾ COM(2015)0240 of 13 May 2015.

⁽⁶⁾ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15/euco-conclusions-final/>

⁽⁷⁾ [European Council conclusions, 22-23 June 2017.](#)

⁽⁸⁾ COM(2017)0794.

⁽⁹⁾ [Commission statement on the management of flows of persons at the borders between Slovenia and Croatia of 29 April 2017.](#)

⁽¹⁰⁾ [Commission Recommendation \(EU\) 2017/1804 of 3 October 2017 on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders in the Schengen area \(OJ L 259, 7.10.2017, p. 25\).](#)

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a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624. Complementarity in carrying out border control and customs control at the external borders needs to be ~~addressed~~ **ensured** by providing adequate Union financial support to the Member States. This will not only strengthen customs controls **in order both to combat all forms of trafficking, not least goods trafficking at borders, and terrorism**, but **will** also facilitate legitimate trade, ~~contributing and travel, and contribute~~ to a secure and efficient customs union. [Am. 12]

- (12) It is therefore necessary to establish the successor fund of the 2014-2020 Internal Security Fund established by Regulation (EU) No 515/2014 of the European Parliament and of the Council ⁽¹¹⁾, **in part**, by setting up an Integrated Border Management Fund ('the Fund'). [Am. 13]
- (13) Due to the legal particularities applicable to Title V of the TFEU and the different applicable legal bases regarding the policies on external borders and on customs control, it is not legally possible to establish the Fund as a single instrument.
- (14) The Fund should therefore be established as a comprehensive framework for Union financial support in the field of border management and visa comprising the instrument for financial support for border management and visa ('the instrument') established by this Regulation as well as ~~the~~ **an** instrument for financial support for customs control equipment ~~established by Regulation (EU) No .../... ⁽¹²⁾ of the European Parliament and of the Council. The framework should be complemented by Regulation (EU) No .../... [Common Provisions Regulation] of the European Parliament and of the Council ⁽¹³⁾, to which this Regulation should refer as regards~~ **an instrument laying down** rules on shared management. [Am. 14]
- (15) The instrument should be implemented in full compliance with the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental rights, **including as regards the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in particular by ensuring compliance with the principle of non-refoulement, the principle of transparency, the principle of non-discrimination and the right to seek international protection. Special attention should also be given to the identification, immediate assistance and referral to protection services of vulnerable persons, in particular children and unaccompanied minors.** [Am. 15]
- (15a) **Those obligations apply equally to third countries with which the Member States and the Union work under this instrument.** [Am. 16]
- (16) The instrument should build on the results and investments ~~achieved with the support~~ of its predecessors: the External Borders Fund for the period 2007-2013 established by Decision No 574/2007/EC of the European Parliament and of the Council ⁽¹⁴⁾ and the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020 established by Regulation (EU) No 515/2014 and should extend it to take into account new developments. [Am. 17]
- (17) To ensure a uniform and high-quality external border control and to facilitate legitimate travel across the external borders, the instrument should contribute to the development of European integrated border management that includes all the measures involving policy, law, systematic cooperation, ~~burden-sharing~~ **burden sharing**, assessment of the situation and changing circumstances regarding crossing points for irregular migrants, personnel, equipment and technology taken at different levels by the competent authorities of the Member States and by the European Border and Coast Guard Agency, acting in cooperation with other actors such as ~~third countries and~~ other EU bodies, in particular the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), Europol and, **where appropriate, third countries and** international organisations. [Am. 18]

⁽¹¹⁾ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

⁽¹²⁾ OJ L [...], [...], p.

⁽¹³⁾ OJ L [...], [...], p.

⁽¹⁴⁾ OJ L 144, 6.6.2007, p. 22.

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- (18) The instrument should contribute to the improvement of the efficiency of visa processing in terms of **facilitating visa procedures for bona fide travellers and of** detecting and assessing security and irregular migration risks, ~~as well as facilitating visa procedures for bona fide travellers.~~ In particular, the instrument should deliver financial assistance to support digitalisation of visa processing with the objective to provide fast, secure and client-friendly visa procedures for the benefit of both visa applicants and consulates. The instrument should also serve to ensure wide consular coverage across the world. The uniform implementation of the common visa policy and its modernisation should also be covered by the instrument, **as should assistance to Member States for the issuance of visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and for compliance, in full, with the Union acquis on visas.** [Am. 19]
- (19) The instrument should support measures **clearly linked to external border control** in the territory of the Schengen countries ~~that are linked to border control~~ as part of the development of a common integrated border management system, which strengthens the overall functioning of the Schengen area. [Am. 20]
- (20) With a view to improving the management of the external borders, to ~~contribute to preventing~~ **facilitating legitimate travel, to contributing to the prevention of** and combating irregular ~~migration border crossing~~ and to ~~contribute~~ **contributing** to a high level of security within the area of freedom, security and justice of the Union, the instrument should support the development of **those** large-scale IT systems, ~~based on existing or new IT systems that have been agreed upon by the European Parliament and the Council. In that regard,~~ it should also support the setting-up of interoperability between those EU information systems (Entry-exit system (EES)⁽¹⁵⁾, the Visa Information System (VIS)⁽¹⁶⁾, the European Travel Information and Authorisation System (ETIAS)⁽¹⁷⁾, Eurodac⁽¹⁸⁾, the Schengen Information System (SIS)⁽¹⁹⁾ and the European Criminal Records Information System for third-country nationals (ECRIS-TCN)⁽²⁰⁾ in the Member States, in order for these EU information systems and their data to supplement each other. The instrument should also contribute to the necessary developments at national level following the implementation of the interoperability components at central level (European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID))⁽²¹⁾. [Am. 21]
- (21) The instrument should complement and reinforce the activities ~~to implement~~ **implementing** European integrated border management in line with shared responsibility and solidarity between the Member States and the European Border and Coast Guard Agency representing the two pillars of the European Border and Coast Guard. This means, in particular that, when drawing up their **national** programmes, Member States should take into account the analytical tools ~~and~~, operational and technical guidelines developed by the European Border and Coast Guard Agency as well as the training curricula developed by it, such as the common core curricula for the training of border guards, including its components with regard to fundamental rights and access to international protection. In order to develop complementarity between its ~~mission tasks~~ and the responsibilities of the Member States for the control of the external borders ~~as well as,~~ **and** to ensure consistency and ~~to~~ avoid cost inefficiency, the Commission should consult the European Border and Coast Guard Agency on the draft national programmes submitted by the Member States in as far as ~~it falls~~ **they fall** within the Agency's competencies, in particular on the activities financed

⁽¹⁵⁾ Regulation (EU) 2017/2226 of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁽¹⁶⁾ Regulation (EC) No 767/2008/EC of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁽¹⁷⁾ COM(2016)0731 of 16 November 2016.

⁽¹⁸⁾ COM(2016)0272 of 4 May 2016.

⁽¹⁹⁾ COM(2016)0881, 0882 and 0883 of 21 December 2016.

⁽²⁰⁾ COM(2017)0344 of 29 June 2017.

⁽²¹⁾ COM(2017)0794 of 12 December 2017.

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under operating support. **The Commission should also ensure that eu-LISA, the European Union Agency for Fundamental Rights and any other relevant Union agency or body, are associated with the process of developing Member States' national programmes at an early stage, in so far as it falls within the agencies' competencies.** [Am. 22]

- (22) **In so far as the affected Member States so request**, the instrument should support the implementation of the hotspot approach as outlined in the Commission's Communication on A European Agenda on Migration and endorsed by the European Council of 25 and 26 June 2015 ⁽²²⁾. The hotspot approach provides operational support to Member States ~~affected by disproportionate migratory pressure at the Union's external borders~~ **faced with an emergency situation**. It offers integrated, comprehensive and targeted assistance in a spirit of solidarity and shared responsibility, **allowing the arrival of large numbers of persons at the Union's external borders to be handled humanely and efficiently**, as well as with a view to safeguarding the integrity of the Schengen area. [Am. 23]
- (23) In the interest of solidarity in the Schengen area ~~as a whole~~ **and throughout the Union** and in the spirit of shared responsibility for the protection of the Union's external borders, where weaknesses or risks are identified, in particular following a Schengen evaluation in accordance with Council Regulation (EU) No 1053/2013 ⁽²³⁾, the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to that Regulation and in line with vulnerability assessments carried out by the European Border and Coast Guard Agency in accordance with Article 13 of Regulation (EU) 2016/1624. [Am. 24]
- (24) The instrument should ~~express solidarity and shared responsibility through~~ **provide** financial assistance ~~for to~~ those Member States that fully apply the Schengen provisions on external borders and visas ~~as well as~~ **and to** those which are preparing for full participation in Schengen, and should be used by the Member States in the interests of the Union's common policy for the management of the external borders. [Am. 25]
- (25) In accordance with Protocol No 5 to the 2003 Act of Accession ⁽²⁴⁾ on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, the instrument should bear any additional cost incurred in implementing the specific provisions of the Union *acquis* covering such transit, namely Council Regulation (EC) No 693/2003 ⁽²⁵⁾ and Council Regulation (EC) No 694/2003 ⁽²⁶⁾. The need for continued financial support for foregone fees, however, should be dependent upon the visa regime of the Union in force with the Russian Federation.
- (26) To contribute to the achievement of the policy objective of the instrument, Member States should ensure that their programmes address the specific objectives of the instrument, that the priorities chosen are in line with the agreed EU priorities and the implementing measures as set out in Annex II and that the allocation of **appropriate** resources between objectives and actions is proportionate to the challenges and needs they are faced with. **In that regard, it is important to achieve a fair and transparent distribution of resources among the specific objectives of the instrument. Accordingly, it is appropriate to ensure a minimum level of expenditure for the specific objective of supporting the common visa policy whether for measures under direct or indirect management, or for measures under shared management.** [Am. 26]
- (27) Synergies, consistency and efficiency should be sought with other EU Funds and overlap between the actions should be avoided.
- (28) Return of third-country nationals who are the subject of return decisions issued by a Member State is one of the components of European integrated border management as outlined in Regulation (EU) 2016/1624. However, due to its nature and objective, measures in the field of return fall outside the scope of support of the instrument and are covered by Regulation (EU) No .../... [new AMF] ⁽²⁷⁾.

⁽²²⁾ EUCO 22/15 CO EUR 8 CONCL 3.

⁽²³⁾ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* (OJ L 295, 6.11.2013, p. 27).

⁽²⁴⁾ OJ L 236, 23.9.2003, p. 946.

⁽²⁵⁾ Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99, 17.4.2003, p. 8).

⁽²⁶⁾ Council Regulation (EC) No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 15).

⁽²⁷⁾ OJ L [...], [...], p.

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- (29) To acknowledge the important role of the Member States' customs authorities at the external borders and to ensure that they have at their disposal sufficient means to implement their broad scope of tasks at these borders, the instrument for financial support for customs control equipment established by Regulation (EU) No .../... [new Customs Control Equipment Fund] of the European Parliament and of the Council should provide these national authorities with the necessary funding to invest in equipment to carry out customs control as well as equipment that can in addition to customs control serve other purposes such as border control.
- (30) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by this Regulation will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for customs control equipment will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.
- (31) Border surveillance at sea is considered one of the coastguard functions performed in the Union maritime domain. National authorities carrying out coast guard functions are also responsible for a wide range of tasks, which may include, but would not be limited to, maritime safety, ~~security~~, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The broad scope of coastguard functions brings them under the remit of different Union policies which should seek synergies to achieve more effective and efficient results. [Am. 27]
- (31a) ***When implementing actions funded under the instrument which are related to maritime border surveillance, Member States should pay special attention to their obligations under international maritime law to render assistance to persons in distress. In that regard, equipment and systems supported under the instrument should be used to address search and rescue situations which may arise during a border surveillance operation at sea, thereby contributing to ensuring the protection and saving the lives of migrants.*** [Am. 28]
- (32) In addition to the Union cooperation on coastguard functions among the European Border and Coast Guard Agency established by Regulation (EU) 2016/1624, the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council⁽²⁸⁾ and the European Fisheries Control Agency established by Council Regulation (EC) No 768/2005⁽²⁹⁾, improved coherence of the activities in the maritime domain should also be achieved at national level. Synergies between the various actors in the maritime environment should be in line with European integrated border management and maritime security strategies.
- (33) To strengthen the complementarity and to reinforce the consistency of maritime activities as well as to avoid duplication of efforts and to alleviate budgetary constraints in an area of costly activities such as the maritime domain, the instrument should support maritime operations of multipurpose character where the main objective is border surveillance but other objectives ***linked to it*** could additionally be pursued simultaneously, ***such as combating trafficking in human beings.*** [Am. 29]

⁽²⁸⁾ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

⁽²⁹⁾ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

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- (34) ***The primary purpose of this instrument should be to support integrated border management at the Union's external borders and to support the common visa policy. However, within defined limits and subject to the appropriate safeguards, certain measures in and in relation to third countries could be supported through the instrument. Those measures should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of the Union's external action and foreign policy related to the country or region in question. In relation to the external dimension, the instrument should target support to enhance cooperation with third countries and to reinforce key aspects of their border surveillance and border management capabilities in areas of interest to the Union's migration policy and Union's security objectives. [Am. 30]***
- (34a) ***The Commission should pay particular attention to the evaluation of actions and programmes related to third countries. [Am. 31]***
- (35) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. As the Union is in a better position than Member States to provide a framework for expressing Union solidarity in border ~~control~~, ***management and*** common visa policy ~~and the management of migration flows~~, and to provide a platform for the development of common IT systems underpinning those policies, financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in those areas. [Am. 32]
- (36) A Member State may be deemed not to be compliant with the relevant Union acquis, including as regards the use of operating support under this instrument, if it has failed to fulfil its obligations under the Treaties in the areas of border management and visa, if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on border management and visa ~~or~~, if an evaluation report under the Schengen evaluation and monitoring mechanism has identified deficiencies in the relevant area, ***or if, when cooperating with a third country, the Member State has financed and taken joint actions with that third country which have resulted in breaches of fundamental rights reported by the evaluation and monitoring mechanism.*** [Am. 33]
- (37) The instrument should ~~reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring~~ ***ensure*** a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. ***It should balance the need for predictability in the distribution of funding with the need for its increased flexibility and simplicity. In order to meet the requirements in terms of transparency of funding, the Commission, with the cooperation of the Member States, should publish information on the development of the annual and multiannual programmes under the thematic facility. The implementation of the instrument should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the instrument should be as user-friendly as possible.*** [Am. 34]
- (38) This Regulation should establish the initial amounts for Member States' programmes calculated on the basis of criteria laid down in Annex I, which reflect the length and the ~~threat~~ ***impact*** levels ***based on recent and historical data*** at land and sea border sections, the workload at the airports and the consulates as well as the number of consulates. [Am. 35]
- (39) These initial amounts will form a basis for Member States' long term investments. To take account of changes in the baseline situation, such as the pressure on the Union external border and the workload at the external borders and at consulates, an additional amount will be allocated to the Member States at mid-term and will be based on the latest available statistical data as set out in the distribution key taking into account the state of programme implementation.
- (39a) ***The mid-term review should be used to assess the effectiveness and Union added value of programmes, resolve problems that appeared during the first phase, and provide a transparent overview of the implementation.*** [Am. 36]

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- (40) As challenges in the area of border management and visas are constantly evolving there is a need to adapt the allocation of funding to the changes in migration flows **priorities for visa policy and border management, including as a result of increased** pressure at the border and security threats, and **to** steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of added value for the Union, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance, via a thematic facility. [Am. 37]
- (41) Member States should be encouraged to use part of their programme allocation to fund the actions listed in Annex IV by benefiting from a higher Union contribution.
- (42) The instrument should, **within defined limits**, contribute to supporting operating costs related to border management, common visa policy and large-scale IT systems and should thereby enable Member States to maintain capabilities which are crucial for the Union as a whole. Such support consists of full reimbursement of specific costs related to the objectives of the instrument and should form an integral part of the Member States' programmes. [Am. 38]
- (43) Part of the available resources under the instrument could also be allocated to Member States' programmes for the implementation of specific actions in addition to their initial allocation. These specific actions should be identified at Union level and should concern actions **with a Union added value** which require cooperative effort **among Member States** or actions necessary to address developments in the Union which require additional funding to be made available to one or more Member States, such as the purchase through the national programmes of Member States of technical equipment needed by the European Border and Coast Guard Agency to perform its operational activities, the modernisation of the processing of visa applications, the development of ~~new~~ large-scale IT systems and the ~~setting up~~ **setting up** of interoperability between those systems. These specific actions will be defined by the Commission in its work programmes **which should be adopted by delegated act**. [Am. 39]
- (44) To complement the implementation of the policy objective of this instrument at national level through Member States' programmes, the instrument should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the instrument relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.
- (45) In order to strengthen the Union's capacity to ~~immediately~~ address **immediately** unforeseen or disproportionate migratory pressure, **urgent and specific needs in the event of an emergency situation**, in particular at those border sections where the impact level has been identified in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council⁽³⁰⁾ as such that it jeopardises the functioning of the Schengen area as a whole, as well as pressure on the visa sections of Member States' consulates or risks to border security, ~~it should be possible to this instrument should exceptionally~~ provide emergency financial assistance **as a measure of last resort** in accordance with the framework set out in this Regulation. [Am. 40]
- (45a) **Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security and should not, per se, trigger emergency assistance under this instrument.** [Am. 41]
- (46) ~~The policy objective of this instrument will be also addressed through financial instruments and budgetary guarantee under the policy window(s) [...] of the InvestEU Fund. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the internal market. Actions should have a clear European added value.~~ [Am. 42]

⁽³⁰⁾ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) (OJ L 295, 6.11.2013, p. 11).

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- (47) This Regulation lays down a financial envelope for the entire instrument which is to constitute the prime reference amount, within the meaning of [point 17 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] ⁽³¹⁾, for the European Parliament and the Council during the annual budgetary procedure.
- (48) Regulation (EU, Euratom) No .../... [new Financial Regulation] ('Financial Regulation') ⁽³²⁾ applies to this instrument. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under the instrument.
- (49) For the purpose of implementation of actions under shared management, the instrument should form part of a coherent framework consisting of this Regulation, the Financial Regulation and **an instrument laying down common provisions for shared management. In the event of conflicting provisions, this Regulation (EU) No .../... [CPR] should take precedence over the common provisions.** [Am. 43]
- (50) Regulation (EU) No .../... [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum and Migration Fund (AMF), the Internal Security Fund (ISF) and the instrument for border management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the instrument for border management and visa in this Regulation, and to lay down specific provisions concerning activities that may be financed through this instrument.
- (51) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.
- (52) In accordance with ~~Regulation (EU) No .../... [new Financial Regulation]~~ ⁽³³⁾, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽³⁴⁾, Council Regulation (Euratom, EC) No 2988/95 ⁽³⁵⁾, Council Regulation (Euratom, EC) No 2185/96 ⁽³⁶⁾ and Council Regulation (EU) 2017/1939 ⁽³⁷⁾, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In

⁽³¹⁾ OJ C [...], [...], p. [...].

⁽³²⁾ OJ C [...], [...], p. [...].

~~⁽³³⁾ OJ C [...], [...], p. [...].~~

⁽³⁴⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽³⁵⁾ Council Regulation (Euratom, EC) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽³⁶⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽³⁷⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

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accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁽³⁸⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. **The results of investigations into irregularities or fraud in relation to the instrument should be made available to the European Parliament.** [Am. 44]

- (53) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.
- (54) Pursuant to Article 94 of Council Decision 2013/755/EU⁽³⁹⁾, persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the instrument and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
- (55) Pursuant to Article 349 of the TFEU and in line with the Commission Communication A stronger and renewed strategic partnership with the EU's outermost regions, endorsed by the Council in its conclusion of 12 April 2018, the relevant Member States should ensure that their national programmes address emerging threats the outermost regions are confronted with, **such as border surveillance, disproportionate influx of people or the deployment of EU information systems**. The instrument supports these Member States with adequate resources to help the outermost regions as appropriate **in light of such specificities**. [Am. 45]
- (56) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016⁽⁴⁰⁾, there is a need to evaluate this instrument on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable **indicators — including qualitative and quantitative indicators**, as a basis for evaluating the effects of the instrument on the ground. In order to measure the achievements of the instrument, indicators and related targets should be established in relation to each specific objective of the instrument. [Am. 46]
- (57) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this instrument will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the preparation and implementation of the instrument, and reassessed in the context of the relevant evaluations and review processes.
- (58) ~~Through the indicators and financial reporting~~ **The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Upon request, the Commission and the Member States should monitor the implementation make the full text of the instrument, in accordance with the relevant provisions of Regulation (EU) No .../... [CPR] and this Regulation annual performance reports available to the European Parliament and the Council.** [Am. 47]

⁽³⁸⁾ 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).

⁽³⁹⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁽⁴⁰⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1.

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(58a) *It is important to ensure sound financial management and legal certainty during the transitional period and throughout the implementation of the Instrument. Actions undertaken during the 2014–2020 period should not be interrupted during the transition.* [Am. 48]

- (59) In order to supplement and amend non-essential elements of this Regulation the power to adopt acts in accordance with Article 290 the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the common monitoring and evaluation framework. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016 ⁽⁴¹⁾.
- (60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁴²⁾. ~~The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the Advisory procedure should be used for the adoption of implementing acts relating to the modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature.~~ [Am. 49]
- (61) Participation by a Member State in this instrument should not coincide with its participation in a temporary financial instrument of the Union which supports the beneficiary Member States to finance, among others, actions at new external borders of the Union for the implementation of the Schengen acquis on borders and visas and external border control.
- (62) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis ⁽⁴³⁾ which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC ⁽⁴⁴⁾.
- (63) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ⁽⁴⁵⁾ which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁴⁶⁾.
- (64) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ⁽⁴⁷⁾ which falls within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁴⁸⁾.

⁽⁴¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽⁴²⁾ OJ L 55, 28.2.2011, p. 13.

⁽⁴³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁴⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁴⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁴⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁴⁸⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

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- (65) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.
- (66) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁴⁹⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (67) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) .../... [Multiannual Financial Framework Regulation] ⁽⁵⁰⁾,

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes the instrument for financial support for border management and visa ('the instrument') as part of the Integrated Border Management Fund ('the Fund') **for the period from 1 January 2021 to 31 December 2027**. [Am. 50]
2. ~~Jointly with Regulation (EU) No .../... [Customs Control Equipment Fund], establishing as part of the [Integrated Border Management Fund] ⁽⁵¹⁾ the instrument for financial support for customs control equipment, this Regulation establishes the Fund. [Am. 51]~~
3. ~~¶~~ **This Regulation** lays down the objectives of the instrument, **the specific objectives and measures to implement those specific objectives**, the budget for the period 2021-2027, the forms of Union funding and the rules for providing such funding. [Am. 52]

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (1) ~~'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of the Financial Regulation, combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors; [Am. 53]~~
- (2) 'border crossing point' means any crossing point authorised by the competent authorities for the crossing of external borders as notified in accordance with Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽⁵²⁾;

⁽⁴⁹⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

⁽⁵⁰⁾ OJ L [...], [...], p.

⁽⁵¹⁾ OJ L [...], [...], p.

⁽⁵²⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

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- (3) 'European integrated border management' means the components listed in Article 4 of Regulation (EU) 2016/1624;
- (4) 'external borders' means **external borders as defined in point (2) of Article 2 of Regulation (EU) 2016/399** the borders of the Member States: land borders, including river and lake borders, sea borders as well as their airports, river ports, sea ports and lake ports to which the provisions of Union law on the crossing of external borders apply, including those internal borders at which the controls have not been lifted yet; **[Am. 54]**
- (5) 'external border section' means the whole or a part of the external land or sea border of a Member State as defined by Regulation (EU) No 1052/2013;
- (6) 'hotspot area' means the hotspot area defined in Article 2(10) of Regulation (EU) 2016/1624;
- (7) 'internal borders at which the controls have not been lifted yet' means:
- (a) the common border between a Member State fully implementing the Schengen acquis and a Member State bound to apply the Schengen acquis in full, in conformity with its Act of Accession, but for which the relevant Council Decision authorising it to fully apply that acquis has not yet entered into force;
 - (b) the common border between two Member States bound to apply the Schengen acquis in full, in conformity with their respective Acts of Accession, but for which the relevant Council Decision authorising them to fully apply that acquis has not yet entered into force.

Article 3

Objectives of the instrument

1. As part of the Integrated Border Management Fund, the policy objective of the instrument shall be ensuring ~~strong and~~ effective European integrated border management at the external borders while safeguarding the free movement of persons within it, in full compliance with the Union's ~~commitments on fundamental rights, thereby contributing to guaranteeing a high level of security in~~ **acquis and international obligations of the Union and its Member States arising from international instruments to which they are signatory**. **[Am. 55]**
2. Within the policy objective set out in paragraph 1, the instrument shall contribute to the following specific objectives:
 - (a) supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ~~illegal~~ **irregular** immigration and cross-border crime and to effectively manage migratory flows; **[Am. 56]**
 - (b) supporting the common visa policy to **ensure a more harmonised approach among the Member States with regard to the issuance of visas and to** facilitate legitimate travel and ~~prevent migratory and~~ **mitigate** security risks. **[Am. 57]**
3. Within the specific objectives set out in paragraph 2, the instrument shall be implemented through the implementation measures listed in Annex II.

Article 3a

Non-discrimination and respect for fundamental rights

The instrument shall be implemented in full compliance with the rights and principles enshrined in the Union acquis, the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and with the Union's international obligations as regards fundamental rights, in particular by ensuring compliance with the principles of non-discrimination and non-refoulement. **[Am. 58]**

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Article 4

Scope of support

1. ~~Within the objectives referred to in Article 3 and~~ In line with the implementation measures listed in Annex II, the instrument shall **support actions that contribute to the achievement of the objectives referred to in Article 3 and** in particular ~~support~~ the actions listed in Annex III. [Am. 59]

2. To achieve the objectives of this Regulation ~~referred to in Article 3~~, the instrument may **in exceptional cases, within defined limits, and subject to appropriate safeguards**, support actions ~~in line with Union priorities as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5.~~ [Am. 60]

2a. The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not exceed 4 % of the total amount allocated to the thematic facility under Article 7(2) (b). [Am. 61]

2b. The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 4 % of the total amount allocated to that Member State in accordance with Article 7(2)(a), with Article 10(1) and with Annex I. [Am. 62]

3. The following actions shall not be eligible:

(a) the actions referred to in paragraph 1(a) of Annex III at those internal borders at which controls have not been lifted yet;

(b) the actions related to the temporary and exceptional reintroduction of border control at internal borders as referred to in Regulation (EU) 2016/399;

(c) as regards the control of goods:

(1) actions of which the exclusive aim or effect is control of goods;

(2) purchase, maintenance or upgrading of equipment, excluding means of transport, of which one of the aims or effects is control of goods;

(3) other actions under this Regulation of which the primary aim or effect is the control of goods.

Where an emergency situation, **as referred to in Article 23**, occurs, non-eligible actions referred to in this paragraph may be considered eligible. [Am. 63]

Article 5

Eligible entities

1. The following entities may be eligible:

(a) legal entities established in any of the following countries:

(i) a Member State or an overseas country or territory linked to it;

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(ii) **a** third country listed in the work programme under the conditions specified therein, **subject to the condition that all actions in or in relation to that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union, and the international obligations of the Union and the Member States.** [Am. 64]

(b) any legal entity created under Union law or any international organisation.

2. Natural persons are not eligible.

3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action, **and where this is in full compliance with Union acquis and the Charter of Fundamental Rights of the European Union.** [Am. 65]

4. Legal entities participating in consortia of at least two independent entities, established in different Member States or **in** overseas countries or territories linked to those states ~~or in third countries~~, are eligible. **Article 6(3) applies when international organisations participating in a consortium are established in a third country.** [Am. 66]

CHAPTER II

FINANCIAL AND IMPLEMENTATION FRAMEWORK

SECTION 1

COMMON PROVISIONS

Article 6

General principles

1. Support provided under this Regulation shall complement national, regional and local interventions, and shall focus on bringing **Union** added value to the objectives of this Regulation. [Am. 67]

2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to other Union instruments.

3. The instrument shall be implemented in shared, direct or indirect management in accordance with Articles 62 (1)(a), (b) and (c) of the Financial Regulation.

3b. The Commission and the Member States shall cooperate in the implementation of the instrument. The Commission shall set up a helpdesk and contact point to provide support to Member States and contribute to the effective allocation of funding. [Am. 68]

Article 7

Budget

1. The financial envelope for the implementation of the instrument for the period 2021-2027 shall be **EUR 7 087 760 000 in 2018 prices** (EUR 8 018 000 000 in current prices). [Am. 69]

2. The financial envelope shall be used as follows:

(a) **EUR 4 252 833 000 in 2018 prices** (EUR 4 811 000 000 **in current prices**) shall be allocated to the programmes implemented under shared management, of which **EUR 138 962 000 in 2018 prices** (EUR 157 200 000 **in current prices**) for the Special Transit Scheme referred to in Article 16, implemented under shared management; [Am. 70]

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(b) **EUR 2 834 927 000 in 2018 prices** (EUR 3 207 000 000 **in current prices**) shall be allocated to the thematic facility. [Am. 71]

3. Up to 0,52 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the instrument.

4. Under the relevant provisions of their association agreements, arrangements shall be made in order to specify the nature and modalities of the participation by countries associated with the implementation, application and development of the Schengen acquis. The financial contributions from those countries shall be added to the overall resources available from the Union budget referred to in paragraph 1.

Article 8

General provisions on the implementation of the thematic facility

1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared, direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:

(a) specific actions;

(b) Union actions and

(c) and emergency assistance.

Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.

2. Funding from the thematic facility shall address priorities with a high added value to the Union or be used to respond to urgent needs, in line with agreed Union priorities as outlined in Annex II **or support measures in accordance with Article 20. For the preparation of the work programmes, the Commission shall consult the organisations, which represent the partners at Union level, including civil society.** [Am. 72]

2a. A minimum of 20 % of the funding from the thematic facility shall be allocated to the specific objective referred to in Article 3(2)(b). [Am. 73]

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ~~it~~ **no funding shall be ensured that selected available for projects are not affected by where there is evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU ~~that puts at risk the legality and regularity of expenditure or the performance of projects.~~ [Am. 74]

4. When funding from the thematic facility is implemented in shared management, the Commission shall, ~~for the purposes of Article 18 and Article 19(2) of Regulation (EU) No .../... [CPR], assess whether the foreseen actions are not affected by~~ **to ensure that no funding shall be available for projects where there is evidence that the legality of those projects, or the legality and regularity of those projects, or the performance of those projects, would be called in doubt as a result of** a reasoned opinion by the Commission in respect of an infringement under Article 258 TFEU ~~that puts at risk the legality and regularity of expenditure or the performance of the projects.~~ [Am. 75]

4a. When funding from the thematic facility is granted under direct or indirect management, the Commission shall assess whether the actions foreseen are not affected by a generalised deficiency as regards the rule of law in a Member State that affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union in a manner that puts at risk the legality and regularity of expenditure or the performance of the projects. [Am. 76]

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5. The Commission shall establish the overall amount made available for the thematic facility under the annual appropriations of the Union budget.

6. The Commission ~~shall~~ **is empowered to** adopt ~~financing decisions~~ **delegated acts in accordance with Article 29 to lay down work programmes** as referred to in Article 110 of the Financial Regulation for the thematic facility, identifying the objectives and the actions to be supported and specifying the amounts for each of its components, as referred to in paragraph 1. ~~Financing decisions shall set out, where applicable, the overall amount reserved for blending operations.~~ [Am. 77]

7. Following the adoption of a ~~financing decision~~ **work programme** as referred to in paragraph ~~3~~ **6**, the Commission may amend the programmes implemented under shared management accordingly. [Am. 78]

8. The ~~financing decisions~~ **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility. [Am. 79]

SECTION 2

SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT

Article 9

Scope

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a), and the additional resources to be implemented under shared management according to the Commission ~~decision~~ **work programmes** for the thematic facility referred to in Article 8. [Am. 80]

2. Support under this section shall be implemented under shared management in accordance with Article 63 of the Financial Regulation and Regulation (EU) No .../... [CPR].

Article 10

Budgetary resources

1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:

(a) **EUR 3 543 880 000 in 2018 prices** (EUR 4 009 000 000 **in current prices**) to the Member States in accordance with the criteria in Annex I; [Am. 81]

(b) **EUR 708 953 000 in 2018 prices** (EUR 802 000 000 **in current prices**) to the Member States for the adjustment of the allocations for the programmes as referred to in in Article 13(1). [Am. 82]

2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).

Article 11

Co-financing rates

1. The contribution from the Union budget shall not exceed ~~75 %~~ **85 %** of the total eligible expenditure of a project **from Member States whose per capita gross national income ('GNI') is less than 90 % of that of the Union average and 75 % of the total eligible expenditure for other Member States.** [Am. 83]

2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.

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3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for the actions listed in Annex IV.
4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support, including the Special Transit Scheme.
5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.
6. The Commission decision approving a programme shall set the co-financing rate and the maximum amount of support from this instrument for the types of action referred to in paragraphs 1 to 5.
7. For each specific objective, the Commission decision shall set out whether the co-financing rate for the specific objective is to be applied to:
 - (a) the total contribution, including the public and private contribution, or
 - (b) public contribution only.

Article 12

Programmes

1. Each Member State **and the Commission** shall ensure that the priorities addressed in ~~its~~ **the national** programme are consistent with and respond to the Union priorities and challenges in the area of border management and visa, and that they are fully in line with the relevant Union acquis and agreed Union priorities, **and the international obligations of the Union and Member States arising from international instruments to which they are signatories**. In defining the priorities of their programmes, Member States shall ensure that the implementing measures as set out in Annex II are adequately addressed. [Am. 84]

1a. In that regard, Member States shall allocate a minimum of 20 % of their allocated funding to the specific objective referred to in Article 3(2)(b). [Am. 85]

2. The Commission shall ensure, **where appropriate**, that the European Border and Coast Guard Agency ~~and where appropriate~~, eu-LISA, **the European Union Agency for Fundamental Rights, and any other relevant Union agency** are associated with the process of developing the programmes of Member States at an early stage, in so far as it falls within the agencies' competencies. [Am. 86]

3. ~~It~~ **The Commission** shall consult the European Border and Coast Guard Agency on the draft programmes with a specific emphasis on the activities included under operating support in line with Article 3(2)(a) to ensure consistency and complementarity of the actions of the Agency and those of the Member States regarding border management as well as to avoid double financing and to achieve cost efficiency. [Am. 87]

3a. The Commission shall consult eu-LISA on the draft programmes with a specific emphasis on the activities included under technical support in line with Article 3(2)(b) to ensure consistency and complementarity of the actions of eu-LISA and those of the Member States. [Am. 88]

4. The Commission may associate, **where appropriate**, the European Border and Coast Guard Agency, ~~and where appropriate~~, eu-LISA, **the European Union Agency for Fundamental Rights, and any other relevant agency** with monitoring and evaluation tasks as referred to in Section 5, in particular in view of ensuring that the actions implemented with the support of the instrument are compliant with the relevant Union acquis and agreed Union priorities. [Am. 89]

5. Following the adoption of recommendations within the scope of this Regulation in accordance with Regulation (EU) No 1053/2013, and the recommendations issued in the framework of carrying out vulnerability assessments in accordance with Regulation (EU) 2016/1624, the Member State concerned shall examine, together with the Commission, the most appropriate approach to address these recommendations with the support of this instrument.

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6. The Commission shall, where relevant, associate the European Border and Coast Guard Agency, **eu-LISA, the European Union Agency for Fundamental Rights and any other relevant agency or body** with the process of examination on the most appropriate approach to address the recommendations with the support of this instrument. [Am. 90]

7. When implementing paragraph 5, the Member State concerned shall make the implementation of measures to address any identified deficiencies, especially measures to address serious deficiencies and non-compliant assessments, a priority for its programme.

8. Where necessary, the programme in question shall be amended to take into account the recommendations referred to in paragraph 5 **and the progress in achieving the milestones and targets as assessed in the annual performance reports as referred to in Article 27(2)(a)**. Depending on the impact of the adjustment, the revised programme ~~may~~ **shall** be approved by the Commission. [Am. 91]

9. In cooperation and consultation with the Commission and the European Border and Coast Guard Agency in accordance with the Agency's competencies, the Member State concerned may reallocate resources under its programme, including those programmed for operating support, with the aim of addressing the recommendations referred to in paragraph 5 which have financial implications.

10. ~~Whenever~~ **Before** a Member State decides to implement projects with, **in** or in **relation to** a third country with the support of the instrument, **it shall ensure that all actions proposed by, in or in relation to that third country comply with the international obligations of the Union and that Member State, and that they fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.** The Member State concerned shall consult the Commission prior to the start of the project, **including on ensuring that the above conditions are fulfilled.** [Am. 92]

11. Whenever a Member State, **exceptionally,** decides to implement actions with, **in** or in **relation to** a third country with the support of the instrument relating to monitoring, detection, identification, tracking, prevention and interception of unauthorised border crossings for the purpose of detecting, preventing and combating ~~illegal~~ **irregular** immigration and cross-border crime or contributing to the protection and saving the lives of migrants, it shall ensure that it has notified the Commission of any bilateral or multilateral cooperation agreement with that third country in accordance with Article 20 of Regulation (EU) No 1052/2013. **Member States shall ensure full respect for the principle of non-refoulement, including in actions occurring on the high seas.** [Am. 93]

11a. As soon as a Member State decides to initiate projects with, in or in relation to a third country under this instrument, the Member State shall inform the organisations which represent the partners at national level as well as the members of the Steering Board within 10 days. [Am. 94]

12. As regards operating equipment, including means of transport, and communication systems required for effective and secure border control, **and search and rescue operations,** purchased with the support of this instrument, the following shall apply: [Am. 95]

(a) before launching the purchase procedures to acquire operating equipment, including means of transport, and communication systems with the support of the instrument, the Member States shall ensure that this equipment complies with the standards established by the European Border and Coast Guard Agency, where such standards exist, and shall verify with the European Border and Coast Guard Agency their technical specifications with the aim of ensuring interoperability of the assets used by the European Border and Coast Guard;

(b) all large-scale operating equipment for border management, such as aerial and maritime means of transport and surveillance purchased by the Member States shall be registered in the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;

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- (c) Member States may decide to purchase items for multi-purpose maritime operations supported by the instrument, provided that these items when operated by the relevant national authorities are involved in border surveillance operations at least 60 % of the total period of use for national purposes within a year. These items shall be registered at the technical equipment pool of the European Border and Coast Guard Agency in view of making these assets available in accordance with Article 39(8) of Regulation (EU) 2016/1624;
- (d) in order to support the coherent capability development planning for the European Border and Coast Guard and the possible use of joint procurement, Member States shall communicate to the Commission as part of the reporting in line with Article 27 the available multiannual planning for the equipment expected to be purchased under the instrument. The Commission shall transmit this information to the European Border and Coast Guard Agency.

Where Member States are implementing actions under this instrument related to maritime border surveillance, they shall pay particular attention to their international obligations regarding search and rescue at sea and shall be entitled, for that purpose, to use the equipment and systems referred to in points (a) to (d) of this paragraph. [Am. 96]

13. Training in the field of border management carried out with the support of this instrument shall be based on the relevant harmonised and quality-assured European education and common training standards for border and coast guarding, **and on relevant Union and international law, including with regard to fundamental rights, access to international protection and relevant maritime law. [Am. 97]**

14. Member States shall pursue in particular the actions listed in Annex IV. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex IV.

15. ~~Programming as referred to in Article 17(5) of Regulation (EU) No .../... [CPR]~~ **Each programme shall be based on set out for each specific objective the types of intervention set out in accordance with Table 1 of Annex VI and an indicative breakdown of the programmed resources by type of intervention or area of support. [Am. 98]**

Article 13

Mid-term review

-1. The programmes shall be subject to a mid-term review and evaluation in accordance with Article 26. [Am. 99]

1. ~~By the end of 2024, and after informing the European Parliament,~~ the Commission shall allocate to the programmes of Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 1(c) of and in paragraphs 2 to 11 of Annex I. The allocation shall be based on the latest available statistical data for the criteria referred to in paragraph 1(c) and in paragraphs 2 to 11 of Annex I. Funding shall be effective for the period as of the calendar year 2025. **[Am. 100]**

2. If at least ~~40~~ **30** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications ~~submitted in accordance with Article 85 of Regulation (EU) No .../... [CPR],~~ the Member State concerned shall not be eligible to receive the additional allocation for its programme referred to in paragraph 1. **[Am. 101]**

2a. Paragraph 2 applies only if the relevant regulatory framework and related acts are in force on 1 January 2022. [Am. 102]

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3. The allocation of the funds from the thematic facility as from 2025 shall, where appropriate, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No .../... [CPR] and identified implementation shortcomings. [Am. 103]

Article 14

Specific actions

1. Specific actions are transnational or national projects **bringing Union added value** in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes. [Am. 104]

2. Member States may, in addition to their allocation calculated in accordance with Article 10(1), receive funding for specific actions, provided that it is consequently earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation.

3. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

Article 15

Operating support

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

2. A Member State may use up to 30 % of the amount allocated under the instrument to its programme to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union.

3. Member States using operating support shall comply with the Union acquis ~~on borders and visas~~. [Am. 105]

4. Member States shall justify in the programme and in the annual performance reports as referred to in Article 27 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, following a consultation of the European Border and Coast Guard Agency as regards the Agency's competencies in accordance with Article 12(3), assess the baseline situation in the Member States which have indicated their intention to use operating support, taking into account the information provided by those Member States and, where relevant, the information available in the light of Schengen evaluations and vulnerability assessments, including the recommendations following Schengen evaluations and vulnerability assessments.

5. Without prejudice to Article 4(3)(c), operating support shall be concentrated on ~~specific tasks and services~~ **eligible actions** as laid down in Annex VII. [Am. 106]

6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the ~~specific tasks and services~~ **eligible actions** in Annex VII. [Am. 107]

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Article 16

Operating support for the Special Transit Scheme

1. The instrument shall provide support to compensate for foregone fees from visas issued for the purpose of transit and additional costs incurred in implementing the facilitated transit document (FTD) and the facilitated rail transit document (FRTD) scheme in accordance with Regulation (EC) No 693/2003 and Regulation (EC) No 694/2003.
2. The resources allocated to Lithuania for the Special Transit Scheme pursuant to Article 7(2)(a) shall be made available as additional operating support for Lithuania, in line with the eligible actions for operating support within the programme, as referred to in Annex VII.
3. By way of derogation from Article 15(2), Lithuania may use the amount allocated to it in line with Article 7(2)(a) to finance operating support in addition to the amount defined in Article 15(2).
4. The Commission and Lithuania shall review the application of this Article in the event of changes which have an impact on the existence or functioning of the Special Transit Scheme.

SECTION 3

SUPPORT AND IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT

Article 17

Scope

Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation, or indirectly in accordance with point (c) of that Article.

Article 18

Union actions

1. Union actions are transnational projects or projects of particular interest to the Union, in line with the objectives of this Regulation.
2. At the Commission's initiative, the instrument may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annexes II and III.
3. Union actions may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. They may also provide financing in the form of financial instruments within blending operations.
4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.
5. The evaluation committee assessing the proposals may be composed of external experts.
6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X] of Regulation (EU) No .../... [Successor of the Regulation on the Guarantee Fund] shall apply.

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~~Article 19~~~~Blending operations~~

~~Blending operations decided under this instrument shall be implemented in accordance with the [InvestEU Regulation] and [Title X] of the Financial Regulation. [Am. 108]~~

Article 20

Technical assistance at the level of the Commission

The instrument may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures, **namely, preparatory steps, monitoring, supervision, audit, evaluation and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate with third countries**, may be financed at the rate of 100 %. [Am. 109]

Article 21

Audits

Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.

Article 22

Information, communication and publicity

1. ~~The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting~~ **promote** the actions and their results, by providing coherent, effective and proportionate ~~targeted~~ **meaningful** information to multiple **relevant** audiences, including **media and the public in the relevant languages**. **To ensure the visibility of Union funding, recipients of Union funding shall refer to its origin when communicating on the action. To this end, recipients shall ensure that all communications to the media and the public display the Union emblem, and mention explicitly the Union's financial support.** [Am. 110]

2. **To reach the widest possible audience**, the Commission shall implement information and communication actions relating to **the implementation of** this instrument, its actions and results. **In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list at least every three months.** Financial resources allocated to this instrument shall also contribute to the corporate communication on the **implementation of** political priorities of the Union, as far as they are related to the objectives of this Regulation. **In particular, the Commission may promote best practices and exchange information as regards the implementation of the instrument.** [Am. 111]

2a. **The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council⁽⁵³⁾, which allows data to be sorted, searched, extracted, compared and reused. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor.** [Am. 112]

2b. **It shall be for the Member States to forward to the Commission information on the development of shared-management programmes, so that the information in question can then be published on its website.** [Am. 113]

⁽⁵³⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90)

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SECTION 4

SUPPORT AND IMPLEMENTATION UNDER SHARED, DIRECT AND INDIRECT MANAGEMENT

Article 23

Emergency assistance

1. ~~The instrument shall~~ **Commission may decide to provide, on an exceptional basis,** financial assistance to address urgent and specific needs in the event of ~~an a duly justified~~ emergency situation ~~resulting and as a last resort. These situations can result~~ from an urgent and exceptional pressure where a large or disproportionate number of third-country nationals have crossed, are crossing or are expected to cross the external borders of one or more Member States, in particular at border sections where the impact level has been identified as such that it jeopardises the functioning of the whole Schengen area, or any other **duly substantiated emergency** situation of **requiring** urgent and exceptional pressure ~~action at the external borders~~ within the scope of this Regulation ~~that requires immediate action. The Commission shall inform the European Parliament and the Council without delay.~~ [Am. 114]

2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.

3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is consequently earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

4. Grants implemented under direct management shall be awarded and managed in accordance with [Title VIII] of the Financial Regulation.

4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure which was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021. [Am. 115]

4b. Emergency assistance shall be provided in a manner entirely consistent with the Union acquis and with the Union's and the Member States' obligations under the international instruments to which they are signatories. [Am. 116]

Article 24

Cumulative, complementary and combined funding

1. An action that has received a contribution under the instrument may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support. **Contributions from other Union programmes to actions under this instrument shall be acknowledged, where appropriate, in the Commission work programmes or in the national programmes and annual performance reports.** [Am. 117]

2. ~~Actions~~ **Operations** awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions: [Am. 118]

- (a) they have been assessed in a call for proposals under the instrument;
- (b) they comply with the minimum quality requirements of that call for proposals;
- (c) they may not be financed under that call for proposals due to budgetary constraints,

may receive support from the ~~European Regional Development Fund, the Cohesion Fund, the European Social Fund or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) No .../... [CPR] and Article 8 of Regulation (EU) No .../... [Financing, management and monitoring of the Common Agricultural Policy],~~ **Union's structural funds** provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund or instrument providing support shall apply. [Am. 119]

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SECTION 5

MONITORING, REPORTING AND EVALUATION

Sub-section 1

Common provisions

Article 25

Monitoring and reporting

1. In compliance with its reporting requirements pursuant to Article ~~43~~ **41**(3)(h)(i)(iii) of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V, **at least annually**. [Am. 120]
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.
3. The indicators to report on progress of the instrument towards the achievement of the objectives of this Regulation are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. **For resources under shared management, common indicators shall be used. Upon request, the data received by the Commission on the output and result indicators shall be made available to the European Parliament and to the Council.** [Am. 121]
4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where relevant, the Member States.
5. In order to ensure effective assessment of the progress of the instrument towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including information to be provided by the Member States.
 - 5a. **For resources under shared management, monitoring and reporting shall be based on the types of intervention set out in Annex VI. The Commission shall be empowered to adopt delegated acts in accordance with Article 29 to address unforeseen or new circumstances or to ensure the effective implementation of the funding.** [Am. 122]
 - 5b. **The Commission shall pay particular attention to the monitoring of actions by, in or in relation to third countries, in accordance with Article 5 and Article 12(10) and (11).** [Am. 123]

Article 26

Evaluation

1. **By 31 December 2024**, the Commission shall ~~carry out~~ **present** a mid-term and a retrospective evaluation **of the implementation** of this Regulation, ~~including the actions implemented under this instrument. The mid-term evaluation shall examine the effectiveness, efficiency, simplification and flexibility of the Fund. More specifically, it shall include an assessment of:~~ [Am. 124]
 - (a) **progress towards the achievement of the objectives of this Regulation, taking into account all relevant information available, in particular the annual performance reports submitted by the Member States under Article 30 and the output and the result indicators set out in Annex VIII;** [Am. 125]
 - (b) **the Union added value of actions and operations implemented under this instrument;** [Am. 126]
 - (c) **the contribution of the instrument to addressing existing and emerging challenges at the external borders, to developing the common visa policy, and the use of the instrument to address shortcomings identified by the Schengen Evaluation Mechanism and Vulnerability assessment;** [Am. 127]
 - (d) **the continued relevance of and the appropriateness of the implementation measures set out in Annex II and the actions set out in Annex III;** [Am. 128]
 - (e) **the complementarity and coherence between the actions supported under this instrument and supported provided by other Union funds.** [Am. 129]

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The mid-term review shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for external borders and visa, part of the Internal Security Fund for the period 2014-2020. [Am. 130]

1a. By 31 January 2030, the Commission shall carry out a retrospective evaluation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council. The retrospective evaluation shall include an assessment of the elements set out in paragraph 1. In that regard, the longer-term impacts of the instrument shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund. [Am. 131]

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with ~~the timeline set out in Article 40~~ **14** of **this** Regulation (EU) No .../... [CPR]. [Am. 132]

2a. In its mid-term review and retrospective evaluation, the Commission shall pay particular attention to the evaluation of actions by, in or in relation to third countries in accordance with Article 5 and Article 12(10) and (11). [Am. 133]

Sub-section 2

Rules for shared management

Article 27

Annual performance reports

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report ~~as referred to in Article 36(6) of Regulation (EU) No .../... [CPR]~~. The report submitted in 2023 shall cover the implementation of the programme carried out until 30 June 2022. **Member States shall publish these reports on a dedicated website and forward them to the European Parliament and to the Council. [Am. 134]**

2. The annual performance report shall in particular set out information on:

(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest ~~data as required by Article 37 of Regulation (EU) No .../... [CPR]~~ **cumulative data transmitted to the Commission; [Am. 135]**

(aa) a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred; [Am. 136]

(b) any issues affecting the performance of the programme and the actions taken to address them, **including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258 TFEU; [Am. 137]**

(c) the complementarity, **coordination and coherence** between the actions supported by the instrument and support provided by other Union Funds, in particular ~~those~~ **the external financing instruments of the Union and others providing funding** in or in relation to third countries; [Am. 138]

(d) the contribution of the programme to the implementation of the relevant Union acquis and action plans;

(da) compliance with fundamental rights requirements; [Am. 139]

(e) the implementation of communication and visibility actions;

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(f) the fulfilment of the enabling conditions and their application throughout the programming period.

(fa) the implementation of projects in, or in relation to a third country. [Am. 140]

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the reports shall be deemed to have been accepted. **Once accepted, the Commission shall make summaries of annual performance reports available to the European Parliament and to the Council and shall publish those summaries of the annual performance reports on a dedicated website. [Am. 141]**

4. In order to ensure uniform conditions for the implementation of this Article the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 30(2).

Article 28

Monitoring and reporting

~~1. Monitoring and reporting in accordance with Title IV of Regulation (EU) No .../... [CPR] shall be based on the types of intervention set out in Tables 1, 2 and 3 in Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of the funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 29.~~

~~2. The common indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No .../... [CPR]. [Am. 142]~~

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 29

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 8, 12, 15, 25 and 28 shall be conferred on the Commission until 31 December 2028. **[Am. 143]**

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 8, 12, 15, 25 and 28 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. **[Am. 144]**

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall simultaneously notify the European Parliament and the Council thereof.

6. A delegated act adopted pursuant to Articles 8, 12, 15, 25 and 28 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. **[Am. 145]**

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Article 30

Committee procedure

1. The Commission shall be assisted by a Coordination Committee for the Asylum and Migration Fund, the Internal Security Fund and the instrument for border management and visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. ~~Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 27(4).~~ [Am. 146]

Article 31

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned under the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 515/2014, which shall continue to apply to those actions until their closure.
2. The financial envelope for the instrument may also cover technical and administrative assistance expenses necessary to ensure the transition between the instrument and the measures adopted under its predecessor, the instrument for external borders and visa as part of the Internal Security Fund for the period 2014-2020, as established by Regulation (EU) No 515/2014.

Article 32

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament

The President

For the Council

The President

Wednesday 13 March 2019

ANNEX I

Criteria for the allocation of funding to the programmes under shared management

1. The available resources referred to in Article 10 shall be broken down between the Member States as follows:
 - (a) each Member State shall receive a fixed amount of EUR 5 000 000 from the instrument at the start of the programming period only;
 - (b) an amount of EUR 157 200 000 for the Special Transit Scheme to be allocated to Lithuania at the start of the programming period only;
 - (c) and the remaining resources referred to in Article 10 shall be distributed based on the following criteria:
 - 30 % for external land borders;
 - 35 % for external sea borders;
 - 20 % for airports;
 - 15 % for consular offices.
2. The resources available under paragraph 1(c) for external land borders and external sea borders shall be broken down between Member States as follows:
 - (a) 70 % for the length of their external land borders and external sea borders, which will be calculated, on the basis of weighting factors for each specific section as defined in Regulation (EU) No 1052/2013, determined in accordance with paragraph 11; and
 - (b) 30 % for the workload at their external land and external sea borders, as determined in accordance with paragraph 7(a).
3. The weighting as referred to in paragraph 2(a) shall be determined by the European Border and Coast Guard Agency in accordance with paragraph 11.
4. The resources available under paragraph 1(c) for airports shall be broken down between Member States according to the workload at their airports, as determined in accordance with paragraph 7(b).
5. The resources available under paragraph 1(c) for consular offices shall be broken down between Member States as follows:
 - (a) 50 % for the number of consular offices (excluding honorary consulates) of the Member States in the countries listed in Annex I of Council Regulation (EC) No 539/2001 ⁽¹⁾, and
 - (b) 50 % for the workload as regards the management of visa policy at consular offices of Member States in the countries listed in Annex I to Regulation (EC) No 539/2001, as determined in accordance with paragraph 7(c) of this Annex.
6. For the purpose of the distribution of resources under paragraph 1(c), 'external sea borders' shall mean the outer limit of the territorial sea of the Member States as defined in accordance with Articles 4 to 16 of the United Nations Convention on the Law of the Sea. However, in cases where long range operations on a regular basis are required in order to prevent ~~illegal~~ **irregular** immigration or ~~illegal~~ entry, this shall be the outer limit of high threat areas. The definition of 'external maritime borders' in this regard shall be determined by taking into account the operational data over the past two years as provided by the Member States concerned. This definition shall be used exclusively for the purpose of this Regulation. [**Am. 147**]

⁽¹⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1).

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7. For the purposes of the initial allocation of funding, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available on the date of the applicability of this Regulation. For the purposes of the mid-term review, the assessment of the workload shall be based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. The assessment of the workload shall be based on the following factors:

(a) at external land borders and external sea borders:

- (1) ~~70~~ **60** % for the number of crossings of the external border at authorised border crossing points; [**Am. 148**]
 (2) ~~30~~ **20** % for the number of third-country nationals refused entry at the external border. [**Am. 149**]

(2a) 20 % for the number of persons having submitted an application for international protection or having been included in such an application as a family member and having had their applications processed under the border procedure referred to in Article 43 of Directive 2013/32/EU of the European Parliament and of the Council ⁽²⁾. [Am. 150**]**

(b) at airports:

- (1) 70 % for the number of crossings of the external border at authorised border crossing points;
 (2) 30 % for the number of third-country nationals refused entry at the external border.

(c) at consular offices:

the number of visa applications for short stays or airport transit.

8. The reference figures for the number of consular offices as referred to in paragraph 5(a) shall be calculated according to the information contained in Annex 28 of Commission Decision C(2010)1620 of 19 March 2010 establishing the Handbook for the processing of visa applications and the modifications of issued visas.

Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, **or a Member States fails to provide such information in two consecutive years**, the reference figure shall be zero. [**Am. 151**]

9. The reference figures for the workload referred to:

(a) in paragraph 7(a)(1) and 7(b)(1) shall be the latest statistics provided by Member States in accordance with Union law;

(b) in paragraph 7(a)(2) and 7(b)(2) shall be the latest statistics produced by the Commission (Eurostat) on the basis of data provided by Member States in accordance with Union law;

(c) in paragraph 7(c) shall be the latest visa statistics published by the Commission in accordance with Article 46 of the Visa Code ⁽³⁾.

(d) Where Member States have not provided the statistics concerned, the latest available data for those Member States shall be used. Where there is no data available for a Member State, **or a Member State fails to provide such information in two consecutive years**, the reference figure shall be zero. [**Am. 152**]

⁽²⁾ **Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).**

⁽³⁾ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

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10. The European Border and Coast Guard Agency shall provide the Commission with a report on the breakdown of resources as regards external land borders, external sea borders and airports, as referred to in paragraph 1(c). **The Commission shall make the report publicly available.** [Am. 153]
11. For the purposes of the initial allocation, the report referred to in paragraph 10 shall identify the average **impact** level ~~of threat of~~ **on** each border section based on the latest average figures covering the preceding 36 months on the date of the applicability of this Regulation. For the purposes of the mid-term review, the report referred to in paragraph 10 shall identify the average **impact** level ~~of threat of~~ **on** each border section based on the latest average figures covering the preceding 36 months available at the time of the mid-term review in 2024. It shall determine the following specific weighting factors per section applying the ~~threat~~ **impact** levels as defined in Regulation (EU) No 1052/2013: [Am. 154]
- (a) factor 0,5 for low ~~threat~~ **impact level**; [Am. 155]
 - (b) factor 3 for medium ~~threat~~ **impact level**; [Am. 156]
 - (c) factor 5 for high ~~threat~~ **impact level**. [Am. 157]
 - ~~(d) factor 8 for critical threat.~~ [Am. 158]
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ANNEX II

Implementation measures

1. The instrument shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:
 - (a) improving border control in line with Article 4(a) of Regulation (EU) 2016/1624 by:
 - i. reinforcing the capacities for carrying out checks and surveillance at the external borders, including measures to ~~prevent and detect~~ **facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of** cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, **and measures related to the referral of persons who are in need of, or wish to apply for, international protection;** [Am. 159]
 - ii. ~~supporting search and rescue in the context of carrying out border surveillance at sea;~~ [Am. 160]
 - iii. implementing technical and operational measures within the Schengen area which are related to border control, **provided that such measures do not present a risk to free movement;** [Am. 161]
 - iv. carrying out analyses of the risks for internal security and analyses of the threats that may affect the functioning or security of the external borders;
 - v. supporting, within the scope of this Regulation, Member States facing ~~existing or potential disproportionate migratory pressure at the EU's external borders~~ **an emergency situation referred to in Article 23**, including through technical and operational reinforcement, as well as by deploying migration management support teams in hotspot areas. [Am. 162]
 - (b) ~~further developing the European Border and Coast Guard, through common capacity building~~ **capacity building**, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ~~between the~~ **among** Member States ~~and~~ **with a view to the further development of** the European Border and Coast Guard Agency; [Am. 163]
 - (c) enhancing inter-agency cooperation at national level among the national authorities responsible for border control or for tasks carried out at the border, and at EU level between the Member States, or between the Member States, on the one hand, and the relevant Union bodies, offices ~~and~~ **or agencies, including** agencies ~~or third countries~~ **responsible for external actions**, on the other; [Am. 164]
 - (d) ensuring the uniform application of the Union acquis on external borders, including through the implementation of recommendations from quality control mechanisms such as the Schengen evaluation mechanism in line with Regulation (EU) No 1053/2013, vulnerability assessments in line with Regulation (EU) 2016/1624, and national quality control mechanisms;
 - (e) setting up, operating and maintaining **those** large-scale IT systems **already the subject of Union law** in the area of border management, including the interoperability of these IT systems and their communication infrastructure, **and actions to enhance data quality and the provision of information;** [Am. 165]
 - (ea) **increasing capacity to render assistance to persons in distress at sea, in particular supporting search and rescue operations;** [Am. 166]
 - (eb) **supporting search and rescue in the context of carrying out border surveillance at sea.** [Am. 167]

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2. The instrument shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:
- (a) providing efficient and ~~client friendly~~ **client friendly** services to visa applicants while maintaining the security and integrity of the visa procedure, **with particular regard to vulnerable persons and children**; [Am. 168]
 - (aa) **supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas**; [Am. 169]
 - (b) ensuring the uniform application of the Union acquis on visas, including the further development and modernisation of the common policy on visas;
 - (c) developing different forms of cooperation between Member States in visa processing;
 - (d) ~~setting up~~ **updating**, operating and maintaining large-scale IT systems in the area of the common policy on visas, including the interoperability between these IT systems and their communication infrastructure. [Am. 170]
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ANNEX III

Scope of support

1. Within the specific objective referred to in Article 3(2)(a), the instrument shall in particular support the following:

- (a) infrastructures, buildings, systems and services required at border crossing points, in hotspot areas and for border surveillance between border crossing points to prevent and tackle unauthorised border crossings, ~~illegal~~ **irregular** immigration and cross-border crime at the external borders, as well as to guarantee the smooth flows of legitimate travellers **and the effective management of migration flows, including measures related to the referral of persons who are in need of, or wish to apply for, international protection while always ensuring a dignified treatment of the persons concerned;** [Am. 171]
- (b) operating equipment, including means of transport, and communication systems required for effective and secure border control, in accordance with standards developed by the European Border and Coast Guard Agency, where such standards exist;
- (c) training in the field of or contributing to the development of European integrated border management, taking into account operational needs, ~~and~~ risk analysis and **challenges identified in country-specific recommendations all** in full compliance with fundamental rights; [Am. 172]
- (d) secondment of joint liaison officers to third countries ~~as defined in Regulation (EU) No .../ ... [new ILO Regulation] (†)~~ and secondment of border guards and other relevant experts to Member States or from a Member State to a third country, reinforcement of cooperation and operational capacity of networks of experts or liaison officers, as well as exchange of best practices and boosting the capacity of European networks to assess, promote, support and develop Union policies; [Am. 173]
- (e) studies, pilot projects and other relevant actions aiming to implement or develop European integrated border management, including measures aiming at the development of the European Border and Coast Guard, such as common ~~capacity-building~~ **capacity building**, joint procurement, establishment of common standards and other measures streamlining the cooperation and coordination between the European Border and Coast Guard Agency and Member States, **as well as measures related to the referral of persons who are in need of, or wish to apply for, international protection;** [Am. 174]
- (f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, in particular deploying the results of security research projects where such deployment has been identified by the European Border and Coast Guard Agency, acting under Article 37 of Regulation (EU) 2016/1624, as contributing to the development of operational capabilities of the European Border and Coast Guard. **Innovative methods and new technologies of this type shall be fully in accordance with fundamental rights and the right to protection of personal data;** [Am. 175]
- (g) preparatory **steps**, monitoring, administrative and technical activities, required to implement external border policies, including to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis and the Schengen Borders Code, including mission expenditure for experts of the Commission and the Member States participating in on site visits as well as measures to implement recommendations issued following vulnerability assessments carried out by the European Border and Coast Guard Agency in line with Regulation (EU) 2016/1624; [Am. 176]

(†) OJ C [...], [...], p. [...].

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- (ga) *actions to enhance the quality of data stored in IT systems in the field of visa and borders and improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing in the context of actions falling within the scope of this instrument; [Am. 208]*
- (h) identification, fingerprinting, registration, security checks, debriefing, provision of information, medical and vulnerability screening and, where necessary, medical care as well as referral, **where applicable**, of third country nationals to the appropriate **asylum** procedure at the external borders, ~~in particular in hotspot areas~~; [Am. 177]
- (i) actions aimed at enhancing awareness of external border policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;
- (j) development of statistical tools, methods and indicators **with due regard for the principle of non-discrimination**; [Am. 178]
- (k) operating support for the implementation of European integrated border management.
- (ka) *the exchange of best practices and expertise, including with regard to the protection of fundamental rights in the context of the different components of border control and, in particular with regards to the identification, immediate assistance and referral to protection services of vulnerable persons; [Am. 179]*
- (kb) *measures for the development, monitoring and evaluation of policies and procedures, including the application of common statistical tools, methods and indicators for measuring progress and assessing policy developments. [Am. 180]*
2. Within the specific objective referred to in Article 3(2)(b), the instrument shall in particular support the following:
- (a) infrastructures and buildings required for the processing of visa applications and consular cooperation, including security measures, as well as other actions aimed at improving the quality of service for visa applicants;
- (b) operating equipment and communication systems required for the processing of visa applications and consular cooperation;
- (c) training of consular and other staff contributing to the common visa policy and consular cooperation, **including, where appropriate, compliance with fundamental rights**; [Am. 181]
- (d) the exchange of best practices and experts, including the secondment of experts, as well as boosting the capacity of European networks to assess, promote, support and further develop Union policies and objectives, **including for the purpose of protecting fundamental rights as regards the identification, the provision of immediate assistance to, and the referral to protection services of, vulnerable persons**; [Am. 182]
- (e) studies, pilot projects and other relevant actions, such as actions aimed at improving knowledge through analyses, monitoring and evaluation;
- (f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;
- (g) preparatory **steps**, monitoring, administrative and technical activities, including **those intended** to strengthen the governance of the Schengen area by developing and implementing the evaluation mechanism as established by Regulation (EU) No 1053/2013 to verify the application of the Schengen acquis, including mission expenditure for experts of the Commission and the Member States participating in on-site visits; [Am. 183]

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- (h) awareness raising activities on visa policies among stakeholders and the general public, including corporate communication on the political priorities of the Union;
 - (i) development of statistical tools, methods and indicators, **observing the principle of non-discrimination and the right to protection of personal data**; [Am. 184]
 - (j) operating support for the implementation of the common visa policy **with due regard for the principle of non-discrimination**; [Am. 185]
 - (ja) **supporting Member States in issuing visas, including visas with limited territorial validity issued on humanitarian grounds, for reasons of national interest or because of international obligations as well as for beneficiaries of a Union resettlement or relocation programme, and in complying, in full, with the Union acquis on visas**. [Am. 186]
3. Within the policy objective referred to in Article 3(1), the instrument shall in particular support the following:
- (a) infrastructures and buildings required for the hosting of large-scale IT systems and associated communication infrastructure components;
 - (b) equipment and communication systems necessary to ensure the proper functioning of large-scale IT systems;
 - (c) training and communication activities in relation to large-scale IT systems;
 - (d) development and upgrading of large-scale IT systems;
 - (e) studies, proof of concepts, pilot projects and other relevant actions related to the implementation of large-scale IT systems including their interoperability;
 - (f) actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded research projects;
 - (g) development of statistical tools, methods and indicators for large-scale IT systems in the field of visa and borders **observing the principle of non-discrimination and the right to protection of personal data**; [Am. 187]
 - (ga) **actions to enhance data quality and the exercise of a data subject's right to information, access to, rectification, erasure and restriction of processing of his or her personal data**; [Am. 188]
 - (h) operating support for the implementation of large-scale IT systems.
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ANNEX IV

Actions eligible for higher co-financing in line with Article 11(3) and Article 12(14)

- (1) Purchasing of operating equipment through joint procurement schemes with the European Border and Coast Guard Agency, to be put at the disposal of the European Border and Coast Guard Agency for its operational activities in line with Article 39(14) of Regulation (EU) 2016/1624.
 - (2) Measures supporting inter-agency cooperation between a Member State and a neighbouring third country with which the EU shares a common land or maritime border.
 - (3) ~~Further development of the European Border and Coast Guard, through~~ **Developing** common capacity building, joint procurement, establishment of common standards and any other measures streamlining the cooperation and coordination ~~between the~~ **among** Member States ~~and~~ **with a view to the further development of** the European Border and Coast Guard Agency, as outlined in paragraph 1(b) of Annex II. [Am. 189]
 - (4) Joint deployment of immigration liaison officers as referred to in Annex III.
 - (5) Measures enhancing the identification **and support** of victims of trafficking in human beings and enhancing cross-border cooperation for detecting traffickers in the framework of border control, **including by developing and supporting protection and referral mechanisms.** [Am. 190]
 - (5a) **Developing integrated child protection systems at the external borders and policies for children in migration generally, including through sufficient training of staff and exchange of good practice among Member States.** [Am. 191]
 - (6) ~~Measures deploying, transferring, testing and validating new methodology or technology, including pilot projects and follow-up measures to Union-funded security research projects, as referred to in Annex III~~ **to enhance the quality of data stored in IT systems in the field of visa and borders and to improve the exercise of a data subject's right to information, access to, rectification, erasure and restriction of data processing in the context of actions falling within the scope of this instrument.** [Am. 209]
 - (6a) **Measures targeting the identification, immediate assistance and referral to protection services of vulnerable persons.** [Am. 193]
 - (7) Measures for setting up and running hotspot areas in Member States facing existing or potential exceptional and disproportionate migratory pressure.
 - (8) Further developing forms of cooperation among Member States in visa processing, as outlined in paragraph 2(c) of Annex II.
 - (9) Increasing the consular presence or representation of Member States in visa-required countries, in particular in countries where no Member State is currently present.
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ANNEX V

Core performance indicators referred to in Article 25(1)

- (a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ~~illegal~~ **irregular** immigration and cross-border crime and to effectively manage migratory flows: **[Am. 194]**
- (1) Number of irregular border crossings detected at the EU external borders a) between the border crossing points; and b) at the border crossing points
Data source: European Border and Coast Guard Agency
- (2) Number of persons using fraudulent travel documents detected at the border crossing points
Data source: European Border and Coast Guard Agency
- (2a) Number of persons who have applied for international protection at the border crossing points**
Data source: Member States [Am. 195]
- (2b) Number of persons refused entry**
Data source: Member States [Am. 196]
- (b) Specific objective 2: Supporting the common visa policy to ***ensure a more harmonised approach among the Member States with regard to the issuance of visas and to*** facilitate legitimate travel and ~~prevent migratory and~~ ***mitigate*** security risks: **[Am. 197]**
- (1) Number of persons using fraudulent travel documents detected at consulates supported by the Fund
Data source: Member States
- (1a) Number of persons who have applied for international protection at Member States' consulates**
Data source: Member States [Am. 198]
- (2) Average decision time (and trends) in the visa procedure
Data source: Member States
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ANNEX VI

Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

I. European integrated border management	
001	Border checks
002	Border surveillance — air assets
003	Border surveillance — land assets
004	Border surveillance — maritime assets
005	Border surveillance — automated border surveillance systems
006	Border surveillance — other measures
007	Technical and operational measures within the Schengen area which are related to border control
008	Situational awareness and exchange of information
009	Risk analysis
010	Processing of data and information
011	Hotspot areas
011a	<i>Measures related to the identification and referral of vulnerable persons [Am. 199]</i>
011b	<i>Measures related to the identification and referral of persons who are in need of, or wish to apply for, international protection [Am. 200]</i>
012	European Border and Coast Guard development
013	Inter-agency cooperation — national level
014	Inter-agency cooperation — European Union level
015	Inter-agency cooperation — with third countries
016	Deployment of joint immigration liaison officers
017	Large-scale IT systems — Eurodac for border management purposes
018	Large-scale IT systems — Entry-exit System (EES)
019	Large-scale IT systems — European Travel Information and Authorisation System (ETIAS)

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020	Large-scale IT systems — Schengen Information System (SISII)
021	Large-scale IT systems — Interoperability
022	Operating support — Integrated border management
023	Operating support — Large-scale IT systems for border management purposes
024	Operating support — Special Transit Scheme

II. Common visa policy

001	Improving visa application processing
002	Enhancing the efficiency, client-friendly environment and security at consulates
003	Document security / document advisors
004	Consular cooperation
005	Consular coverage
006	Large-scale IT systems — Visa Information System (VIS)
007	Other IT systems for visa application processing purposes
008	Operating support — Common visa policy
009	Operating support — Large-scale IT systems for visa application processing purposes
010	Operating support — Special Transit Scheme
010a	<i>Issuance of humanitarian visas [Am. 201]</i>

III. Technical assistance

001	Information and communication
002	Preparation, implementation, monitoring and control
003	Evaluation and studies, data collection
003a	<i>Data quality and data subjects' rights to information, access to, rectification, erasure and restriction of processing of their personal data [Am. 202]</i>
004	Capacity building

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TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

001	infrastructures and buildings
002	means of transport
003	other operating equipment
004	communication systems
005	IT systems
006	training
007	exchange of best practices — between Member States
008	exchange of best practices — with third countries
009	deployment of experts
010	studies, proofs of concept, pilot projects and similar actions
011	communication activities
012	development of statistical tools, methods and indicators
013	deployment or other follow-up of research projects

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

001	Specific action
002	Emergency assistance
003	Actions listed in Annex IV
004	Implementation of Schengen evaluation recommendations
005	Implementation of vulnerability assessment recommendations
006	Cooperation with third countries
007	Actions in third countries

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ANNEX VII

Eligible actions for operating support

(a) Within the specific objective set out in Article 3(2)(a), operating support shall cover the following costs on the condition that they are not being covered by the European Border and Coast Guard Agency in the context of its operational activities:

- (1) staff costs;
- (2) maintenance or repair of equipment and infrastructure;
- (3) service costs, ~~including at hotspot areas~~ within the scope of this Regulation; **[Am. 203]**
- (4) running costs on operations.

A host Member State in the meaning of Article 2(5) of Regulation (EU) 2016/1624 may use operating support to cover its own running costs for its participation in the operational activities referred to in Article 2(5) of Regulation (EU) 2016/1624 and falling within the scope of this Regulation or for the purposes of its national border control activities.

(b) Within the specific objective specific objective set out in Article 3(2)(b), operating support shall cover:

- (1) staff costs, including for training;
- (2) service costs;
- (3) maintenance or repair of equipment and infrastructure;
- (4) costs related to real estate, including rental and depreciation.

(c) Within the policy objective set out in Article 3(1), operating support shall cover:

- (1) staff costs, including for training;
- (2) operational management and maintenance of large-scale IT systems and their communication infrastructures, including the interoperability of these systems and rental of secure premises.

(d) In addition to the above, operating support within the programme for Lithuania shall provide support in line with paragraph 1 of Article 16.

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ANNEX VIII

Output and result indicators referred to in Article 25(3)

- (a) Specific objective 1: Supporting effective European integrated border management at the external borders implemented by the European Border and Coast Guard as a shared responsibility of the European Border and Coast Guard Agency and of the national authorities responsible for border management, to facilitate legitimate border crossings, to prevent and detect ~~illegal~~ **irregular** immigration and cross-border crime and to effectively manage migratory flows; [Am. 204]
- (1) Border control infrastructure, transport means and other equipment items financed with the support of the instrument:
- number of newly built or upgraded border crossing points out of the total number of newly built or upgraded border crossing points in the Member State concerned;
 - number of Automated Border Control gates;
 - number of air transport means;
 - number of maritime transport means;
 - number of land transport means;
 - number of items of equipment put at the disposal of the European Border and Coast Guard Agency;
 - number of other items of equipment, out of which the number of items of equipment for setting up, upgrading or maintaining hotspot areas for the purposes of this Regulation;
 - number of multipurpose items of equipment supported by the instrument.
- (2) Number of specialised posts in third countries supported by the instrument
- joint liaison officers, as referred to in Annex III;
 - other specialised posts related to border management.
- (3) Number of cooperation projects or cooperation streams set up in Member States with the support of the instrument between the national authorities and the European Border and Coast Guard Agency contributing towards the development of the European Border and Coast Guard.
- (4) Number of items of equipment used during the operational activities of the European Border and Coast Guard Agency purchased with support of the instrument out of the total number of items of equipment registered in the Technical Equipment Pool of the European Border and Coast Guard Agency.
- (5) Number of cooperation projects or cooperation streams of national agencies with the Eurosur National Coordination Centre (NCC) established with support of the instrument.
- (6) Number of staff trained in aspects related to the integrated border management with the support of the instrument.
- (7) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:
- SISII;
 - ETIAS;
 - EES;

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- VIS for border management purposes;
 - Eurodac for border management purposes;
 - Number of connections of IT systems to the European Search Portal financed with the support of the instrument;
 - Any other large-scale IT systems within the scope of this Regulation.
- (8) Number of Schengen Evaluation recommendations in the area of borders and vulnerability assessment recommendations addressed with the support of the instrument, out of the total number of recommendations having financial implication.
- (b) Specific objective 2: Supporting the common visa policy to ***ensure a more harmonised approach among the Member States with regard to the issuance of visas and to*** facilitate legitimate travel and ~~prevent migratory~~ and ***mitigate*** security risks: [Am. 205]
- (1) Number of consulates outside the Schengen area set up or upgraded with the support of the instrument out of the total number of consulates set up or upgraded of the Member State outside the Schengen area.
- (2) Number of staff trained and number of training courses in aspects related to the common visa policy with the support of the instrument.
- (3) Number of IT functionalities developed, implemented, maintained or upgraded with the support of the instrument, including for interoperability purposes:
- VIS;
 - EES;
 - Any other large-scale IT systems within the scope of this Regulation.
- (4) Number of forms of cooperation among Member States in visa processing set up and upgraded with the support of the instrument:
- co-locations;
 - common application centres;
 - representations;
 - others.
- (5) Number of Schengen Evaluation recommendations in the area of the common visa policy implemented with the support of the instrument, as a share of the total number of recommendations having financial implications.
- (6) Number of visa required countries where the number of Member States present or represented has increased with the support of the instrument.
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P8_TA(2019)0177

Establishing the Internal Security Fund *I****European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Internal Security Fund (COM(2018)0472 — C8-0267/2018 — 2018/0250(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/64)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0472),
 - having regard to Article 294(2), Article 82(1), Article 84 and Article 87(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0267/2018),
 - 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 report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Budgets (A8-0115/2019),
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(2018)0250**Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) .../... of the European Parliament and of the Council establishing the Internal Security Fund**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1), 84 and 87(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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Having regard to the opinion of the European Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) ~~Ensuring~~ **While national** internal security, ~~which is~~ **remains** a competence of the Member States, ~~is a shared endeavour~~ **protecting it requires cooperation and coordination at Union level. Internal security is a joint undertaking** to which the EU institutions, relevant Union agencies and Member States, **with the help of the private sector and civil society**, should jointly contribute. In the period 2015 to 2020, the Commission, the Council of the European Union and the European Parliament have defined common priorities as set out in the European Agenda on Security of April 2015 ⁽²⁾, which were reaffirmed by the Council in the renewed Internal Security Strategy of June 2015 ⁽³⁾ and by the European Parliament in its Resolution of July 2015 ⁽⁴⁾. ~~That shared strategy aimed at providing the strategic framework for the work at Union level in the area of internal security, and defined the main priorities for action to ensure an effective Union response to security threats for the period 2015-2020, namely tackling~~ **preventing and combating** terrorism and preventing radicalisation, **including online radicalisation, and violent extremism, intolerance and discrimination**, disrupting organised crime and fighting cybercrime. [Am. 1]
- (2) In the Rome Declaration signed on 25 September ~~September~~ **March** 2017, leaders of 27 Member States, **the European Council, the European Parliament and the European Commission** affirmed their determination to a safe and secure Europe and to build a Union where all citizens feel safe and can move freely, where the external borders are secured, with an efficient, responsible and sustainable migration policy, respecting international norms, as well as a Europe determined to fight terrorism and organised crime. [Am. 2]
- (3) The European Council of 15 December 2016 called for continued delivery on the interoperability of EU information systems and databases. The European Council of 23 June 2017 underlined the need to improve the interoperability between databases and on 12 December 2017, the Commission adopted a proposal for a Regulation on establishing a framework for interoperability between EU information systems (Police and judicial cooperation, asylum and migration) ⁽⁵⁾.
- (4) The Union's objective of ensuring a high level of security within an area of freedom, security and justice pursuant to Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) should be achieved, among others, through measures to prevent and combat crime as well as through measures for coordination and cooperation between law enforcement authorities and other national authorities of Member States, including with relevant Union agencies and other relevant Union bodies, and with relevant third countries and international organisations.
- (5) To achieve this objective, actions should be taken at Union level to protect people ~~and goods~~, **public spaces and critical infrastructure** from increasingly transnational threats and to support the work carried out by Member States' competent authorities. Terrorism, serious and organised crime, itinerant crime, drug ~~and arms~~ trafficking, corruption, **money laundering**, cybercrime, **sexual exploitation, including of children, hybrid threats, as well as chemical, biological, radiological and nuclear threats**, trafficking in human beings ~~and arms~~, among others, continue to challenge the internal security **and the internal market** of the Union. [Am. 3]

⁽¹⁾ Position of the European Parliament of 13 March 2019.

⁽²⁾ COM(2015)0185 of 28 April 2015.

⁽³⁾ Council Conclusions of 16 June 2015 on the renewed European Union Internal Security Strategy 2015-2020.

⁽⁴⁾ European Parliament resolution of 9 July 2015 on the European Agenda on Security (2015/2697(RSP)).

⁽⁵⁾ COM(2017)0794.

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- (5a) ***The Fund should provide financial support to address the emerging challenges posed by the significant increase in the scale of certain types of crime, such as payment fraud, child sexual exploitation and trafficking in weapons, being committed via the internet in recent years ('cyber-enabled crimes'). [Am. 4]***
- (6) Funding from the Union budget should concentrate on activities where Union intervention can bring added value compared to action by Member States alone. ~~In line~~ ***In line*** with Articles 84 and 87(2) TFEU, funding should support measures to promote and support the action of Member States in the field of crime prevention, ***joint training*** and police ***and judicial*** cooperation involving all the Member States' competent authorities ***and Union agencies*** concerning especially information exchange, increased operational cooperation and supporting efforts to strengthen capabilities to combat and to prevent crime. The Fund should not support operating costs and activities related to the essential functions of the Member States concerning the maintenance of law and order and the safeguarding of internal and national security as referred to in Article 72 TFEU. **[Am. 5]**
- (7) To preserve the Schengen acquis ***and the entire Union internal market area***, and to strengthen its functioning, Member States have, since 6 April 2017, been obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders. Furthermore, the Commission issued a Recommendation to Member States to make better use of police checks and cross-border cooperation. Solidarity among Member States, clarity about the division of tasks, respect for fundamental rights and freedoms and the rule of law, a strong attention to the global perspective and the necessary coherence with the external dimension of security should be key principles guiding the Union and Member States' action towards the development of an effective and genuine security union. **[Am. 6]**
- (8) To contribute to the development and implementation of an effective and genuine security union aiming at ensuring a high level of internal security throughout the European Union, Member States should be provided with adequate Union financial support by setting up and managing an Internal Security Fund ('the Fund').
- (9) The Fund should be implemented in full compliance with the rights ***values enshrined in Article 2 of the Treaty on European Union (TEU)***, and principles enshrined in the Charter of Fundamental Rights of the European Union and with the Union's international obligations as regards fundamental ***human*** rights. ***In particular, this Regulation seeks to ensure that fundamental rights, such as the right to human dignity, the right to life, the prohibition of torture and inhuman or degrading treatment or punishment, the right to protection of personal data, the rights of the child and the right to have an effective remedy, are fully respected. It also seeks to promote the application of the principle of non-discrimination.*** **[Am. 7]**
- (10) Pursuant to Article 3 TEU, the Fund should support activities which ensure the protection of children against violence, abuse, exploitation and neglect. The Fund should also support safeguards and assistance for child witnesses and victims, in particular those who are unaccompanied or otherwise in need of guardianship.
- (10a) ***Raising awareness among law enforcement personnel about issues related to all forms of racism, including antisemitism and antiziganism, is a key success factor for internal security. Awareness-raising training and education measures for law enforcement actors should therefore be included in the scope of the Fund in order to increase trust-building capacity at a local level.*** **[Am. 8]**
- (11) In line with the shared priorities identified at Union level to ensure a high level of security in the Union, the Fund will support actions aimed at addressing the main security threats and in particular ~~tackling~~ ***preventing and combating*** terrorism and ***violent extremism, including*** radicalisation, ***intolerance and discrimination***, serious and organised crime, and cybercrime ~~and as well as~~ assisting and protecting victims of crime ***and protecting critical infrastructure***. The Fund will ensure that the Union and its Member States are well equipped also to address evolving and emerging threats, ***such as trafficking, including via online channels, hybrid threats and chemical, biological, radiological and nuclear threats***, with a view to implementing a genuine security union. This should be pursued through financial assistance to support better information exchange, increase operational cooperation and improve national and collective capabilities. **[Am. 9]**

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- (12) Within the comprehensive framework of the Fund, the financial assistance provided through the Fund should in particular support **exchange of and access to information as well as** police and judicial cooperation and prevention in the fields of serious and organised crime, illicit arms trafficking, corruption, money laundering, drug trafficking, environmental crime, ~~exchange of and access to information~~, terrorism, trafficking in human beings, exploitation of ~~illegal immigration, child~~ **refugees and irregular migrants, severe labour exploitation, sexual exploitation and abuse, including of children and women**, distribution of child abuse images and child pornography, and cybercrime. The Fund should also support the protection of people, public spaces and critical infrastructure against security-related incidents and the effective management of security-related risks and crises, including through **joint training**, the development of common policies (strategies, policy cycles, programmes and action plans), legislation and practical cooperation. [Am. 10]
- (12a) *The Fund should provide assistance to law enforcement authorities irrespective of their organisational structure under national law. For this reason, actions involving military forces charged with internal security tasks should also be eligible for support from the Fund, to the extent that such actions serve to contribute to the achievement of the specific objectives of the Fund. In emergency situations, and to address and prevent serious risks to public security, including in the aftermath of a terrorist attack, actions by military forces inside the territory of the Member State should be eligible for support from the Fund. Peace-keeping or defence actions outside the territory of the Member State should under no circumstances be eligible for assistance from the Fund.* [Am. 11]
- (13) The Fund should build on the results and investments of its predecessors: the Prevention and fight against crime (ISEC) programme and the Prevention, preparedness and consequence management of terrorism and other security-related risks (CIPS) programme for the period 2007-2013 and the instrument for police cooperation, preventing and combating crime, and crisis management as part of the Internal Security Fund for the period 2014-2020, established by Regulation (EU) No 513/2014 of the European Parliament and of the Council⁽⁶⁾, and should be extended it to take into account new developments.
- (14) There is a need to maximise the impact of Union funding by mobilising, pooling and leveraging public and private financial resources. The Fund should promote and encourage the active and meaningful participation and involvement of civil society, including non-governmental organisations, as well as the **European** industrial sector in the development and implementation of security policy, **in particular as regards cybersecurity**, including where relevant with involvement of other relevant actors, Union agencies and other Union bodies, ~~third countries~~ and international organisations in relation to the objective of the Fund. **However, it should be ensured that support from the Fund is not used to delegate statutory or public tasks to private actors.** [Am. 12]
- (15) Within the comprehensive framework of the Union's anti-drugs strategy, which advocates a balanced approach based on a simultaneous reduction in supply and demand, the financial assistance provided under this Fund should support all actions aimed at preventing and combating trafficking in drugs (supply and demand reduction), and in particular measures targeting the production, manufacture, extraction, sale, transport, importation and exportation of illegal drugs, including possession and purchase with a view to engaging in drug trafficking activities. The Fund should in particular cover the prevention aspects of the drugs policy. To bring further synergies and clarity in the drugs-related area, these elements of drugs-related objectives — which in 2014-2020 were covered by the Justice programme — should be incorporated into the Fund.
- (16) With a view to ensuring that the Fund makes an effective contribution to a higher level of internal security throughout the European Union, to the development of a genuine security union, it should be used in a way that adds most **European** value to the action of the Member States. [Am. 13]

⁽⁶⁾ Regulation (EU) No 513/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management and repealing Council Decision 2007/125/JHA (OJ L 150, 20.5.2014, p. 93).

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- (17) In the interests of solidarity within the Union, and in the spirit of shared responsibility for the security therein, where weaknesses or risks are identified, in particular following a Schengen evaluation, the Member State concerned should adequately address the matter by using resources under its programme to implement recommendations adopted pursuant to Council Regulation (EU) No 1053/2013⁽⁷⁾.
- (18) To contribute to the achievement of the objectives of the Fund, Member States should ensure that the priorities of their programmes ~~address~~ **contribute to the achievement of** the specific objectives of the Fund, that the priorities chosen are in-line with the implementing measures as set out in **Article 3a** and that the allocation of resources between objectives **is proportionate to challenges and needs and** ensures that the overall policy objective can be met. **[Am. 14]**
- (19) Synergies, consistency and efficiency should be sought with other EU funds and overlap between the actions should be avoided.
- (20) The Fund should be coherent with and complementary to other Union financial programmes in the field of security. Synergies will be ~~sought~~ ensured in particular with the Asylum and Migration Fund, the Integrated Border Management Fund consisting of the border management and visa instrument established by Regulation (EU) X and the customs control equipment instrument established by Regulation (EU) X as well as the other Cohesion Policy Funds covered by Regulation (EU) X [CPR], the security research part of the Horizon Europe programme established by Regulation (EU) X, the Rights and Values programme established by Regulation X, the Justice programme established by Regulation EU X, the Digital Europe programme established by Regulation EU X and the InvestEU programme established by Regulation EU X. Synergies should be sought in particular on security of infrastructure and public spaces, cybersecurity, **the protection of victims** and the prevention of **violent extremism, including** radicalisation. Effective coordination mechanisms are essential to maximise the effective achievement of policy objectives, exploit economies of scale and avoid overlaps between actions. **[Am. 15]**
- (21) Measures in and in relation to third countries supported through the Fund should be implemented in full synergy and coherence with and should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence should be sought with the principles and general objectives of **external action**, the Union's ~~external action and~~ **foreign policy and development aid** policy related to the country or region in question. In relation to the external dimension, the Fund should enhance cooperation with third countries in areas of interest to the Union's internal security, such as countering terrorism and radicalisation, cooperation with third country law enforcement authorities in the fight against terrorism (including detachments and joint investigation teams), **trafficking, in particular of arms, drugs, endangered species and cultural goods**, serious and organised crime and corruption, trafficking in human beings and migrant smuggling. **[Am. 16]**
- (22) Funding from the Union budget should concentrate on activities where Union intervention can bring added value as compared to actions by Member States alone. Security has an inherently cross-border dimension and therefore a strong, coordinated Union response is required. Financial support provided under this Regulation will contribute in particular to strengthening national and Union capabilities in the security area.
- (23) A Member State may be deemed not to be compliant with the relevant Union acquis as regards the use of operating support under this Fund if it has failed to fulfil its obligations under the Treaties in the area, of security if there is a clear risk of a serious breach by the Member State of the Union's values when implementing the acquis on security or if an evaluation report under the Schengen evaluation and monitoring mechanism identified deficiencies in the relevant area.

(7) Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

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- (23a) ***Under Regulation (EU) No X of the European Parliament and of the Council ⁽⁸⁾, the Union should take action to protect its budget whenever a generalised deficiency as regards the rule of law is established in a Member State. Regulation (EU) No X should apply to this Fund. [Am. 17]***
- (24) The Fund should reflect the need for increased flexibility and simplification while respecting requirements in terms of predictability, and ensuring a fair and transparent distribution of resources to meet the objectives laid down in this Regulation. ***The implementation of the Fund should be guided by the principles of efficiency, effectiveness and quality of spending. Furthermore, the implementation of the Fund should be as user-friendly as possible. [Am. 18]***
- (25) This Regulation should establish the initial amounts to Member States calculated on the basis of criteria laid down in Annex I.
- (26) These initial amounts should form the basis for Member States' long-term investments in security. To take account of changes in ***internal and external*** security threats or in the baseline situation, an additional amount should be allocated to the Member States at mid-term based on the latest available statistical data, as set out in the distribution key, taking into account the state of programme implementation. **[Am. 19]**
- (26a) ***The critical infrastructure that the Member States have to protect should be taken into account when resources available from the Fund are distributed. [Am. 20]***
- (27) As challenges in the area of security are constantly evolving, there is a need to adapt the allocation of funding to changes in ***internal and external*** security threats and steer funding towards the priorities with the highest added value for the Union. To respond to pressing needs, changes in policy and Union priorities and to steer funding towards actions with a high level of Union added value, part of the funding will be periodically allocated to specific actions, Union actions and emergency assistance via a thematic facility. **[Am. 21]**
- (28) Member States should be encouraged to use part of their programme allocation to fund actions listed in Annex IV benefiting from a higher Union contribution, ***primarily because of their significant European added value or their high importance for the Union. [Am. 22]***
- (29) Part of the available resources under the Fund could also be distributed for the implementation of specific actions which require cooperative effort amongst Member States or where new developments in the Union require additional funding to be made available to one or more Member States. These specific actions should be defined by the Commission in its work programmes.
- (30) The Fund should contribute to supporting operating costs related to internal security and enable Member States to maintain capabilities which are crucial to the Union as a whole. Such support consists of full reimbursement of a selection of specific costs related to the objectives under the Fund and should form an integral part of the Member States' programmes.
- (31) To complement the implementation of its policy objective at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union ***or among certain Member States. In this regard, cooperation between Member States' intelligence services should be encouraged with a view to ensure the necessary information exchange to enhance the effectiveness of the fight against terrorism as well as serious and organised crime, and to contribute to a better understanding of their cross-border nature. The Fund should support Member States' efforts to exchange best practice and to promote joint training in order to help develop a culture of cooperation and mutual trust between intelligence services as well as between intelligence services and Europol. [Am. 23]***

⁽⁸⁾ ***Proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (COM(2018)0324).***

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- (32) In order to strengthen the Union's capacity to react immediately to security-related incidents or newly emerging threats to the Union, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation. Emergency assistance should therefore not be provided to support mere contingency and long-term measures or to address situations where the urgency to act results from inadequate administrative organisation and insufficient operational planning on the part of the competent authorities.
- (33) In order to ensure the necessary flexibility of action and respond to emerging needs, it should be made possible for decentralised agencies to be provided with the appropriate additional financial means to carry out certain emergency tasks. In instances where the task to be undertaken is of such urgent nature that an amendment of their budgets could not be finalised in time, decentralised agencies should be eligible as beneficiaries of emergency assistance, including in the form of grants, consistent with priorities and initiatives identified at Union level by the EU institutions.
- (33a) ***In light of the transnational nature of Union actions and in order to promote coordinated action to fulfil the objective of ensuring the highest level of security in the Union, decentralised agencies should also be eligible as beneficiaries of Union action, including in the form of grants. Such support should be consistent with the priorities and initiatives identified at Union level by the Union institutions to ensure European added value. [Am. 24]***
- (34) The policy objective of this Fund will be also addressed through financial instruments and budgetary guarantee under the policy windows of the InvestEU. Financial support should be used to address market failures or sub-optimal investment situations, in a proportionate manner and actions should not duplicate or crowd out private financing or distort competition in the Internal market. Actions should have a clear European added value.
- (35) This Regulation lays down a financial envelope for the Internal Security Fund (ISF) which is to constitute the prime reference amount, within the meaning of paragraph X of the Interinstitutional Agreement of X between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁹⁾, for the European Parliament and the Council during the annual budgetary procedure.
- (36) Regulation (EU, Euratom) No [the new FR] ⁽¹⁰⁾ (the 'Financial Regulation') applies to this Fund. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees. In order to ensure coherence in the implementation of Union funding programmes, the Financial Regulation is to apply to the actions to be implemented in direct or indirect management under ISF.
- (37) For the purpose of implementation of actions under shared management, the Fund should form part of a coherent framework consisting of this Regulation, the Financial Regulation and the Common Provisions Regulation (EU) No X [CPR] ⁽¹¹⁾. ***In the event of conflicting provisions, this Regulation should take precedence over Regulation (EU) No X [CPR]. [Am. 159]***
- (38) Regulation (EU) No X [CPR] establishes the framework for action by the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the European Maritime and Fisheries Fund (EMFF), the Asylum, ~~and~~ Migration ***and Integration*** Fund (AMIF), Internal Security Fund (ISF) and the instrument for border

⁽⁹⁾ OJ C 373, 20.12.2013, p. 1.

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC

⁽¹⁰⁾ Full reference

⁽¹¹⁾ Full reference ***Regulation of the European Parliament and of the Council of .../... laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (COM(2018)0375).***

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management and visa (BMVI), as a part of the Integrated Border Management Fund (IBMF), and it lays down, in particular, the rules concerning programming, monitoring and evaluation, management and control for EU funds implemented under shared management. Additionally it is necessary to specify the objectives of the Internal Security Fund in this Regulation, and to lay down specific provisions concerning the activities that may be financed with the support of this Fund. [Am. 26]

(38a) *To ensure that the Fund supports actions addressing all the specific objectives of the Fund, and that the allocation of resources among the objectives is proportionate to challenges and needs, so that the objectives can be met, a minimum percentage of allocation from the Fund should be defined for each specific objective of the Fund, both for the national programmes and the thematic facility.* [Am. 27]

(39) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the objectives of the actions and to deliver results, taking into account, in particular, the costs of control, the administrative burden, and then expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125 (1) of the Financial Regulation.

(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽¹²⁾, Council Regulation (Euratom, EC) No 2988/95⁽¹³⁾, Council Regulation (Euratom, EC) No 2185/96⁽¹⁴⁾ and Council Regulation (EU) 2017/1939⁽¹⁵⁾, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative *and/or criminal* sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other criminal offences affecting the financial interests of the Union. In accordance with Council Regulation (EU) 2017/1939, the European Public Prosecutor's Office may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁽¹⁶⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights. **Member States shall cooperate fully and provide all necessary assistance to Union institutions, agencies and bodies in the protection of the Union's financial interests. The results of investigations into irregularities or fraud in relation to the Fund should be made available to the European Parliament.** [Am. 28]

(41) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.

⁽¹²⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽¹³⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽¹⁴⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽¹⁵⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽¹⁶⁾ 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).

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- (42) Pursuant to Article 94 of Council Decision 2013/755/EU⁽¹⁷⁾, persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the Fund and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
- ~~(43) Pursuant to Article 349 of the TFEU and in line with the Commission Communication 'A stronger and renewed strategic partnership with the EU's outermost regions'⁽¹⁸⁾, endorsed by the Council in its conclusion of 12 April 2018, relevant Member States should ensure that their programmes address the specific challenges the outermost regions face. The Fund supports these Member States with adequate resources to help these regions as appropriate. [Am. 29]~~
- (44) Pursuant to paragraph 22 and 23 of the Interinstitutional Agreement for Better Law-Making of 13 April 2016⁽¹⁹⁾, there is a need to evaluate this Fund on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Fund on the ground. In order to measure the achievements of the Fund, indicators and related targets should be established in relation to each specific objective of the Fund. **Those indicators should include qualitative and quantitative indicators.** [Am. 30]
- (45) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Fund will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. ~~Relevant actions will be identified during the Fund's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes~~ **over the MFF 2021-2027 period and an annual target of 30 % as soon as possible and at the latest by 2027.** [Am. 31]
- (46) Through these indicators and financial reporting, the Commission and the Member States should monitor the implementation of the Fund in accordance with the relevant provisions of Regulation (EU) No X [CPR] and this Regulation. **To adequately fulfil its supervisory role, the Commission should be in a position to establish the amounts actually spent from the Fund in a given year. When reporting the annual accounts of their national programme to the Commission, Member States should therefore distinguish between recoveries, pre-financing payments to final beneficiaries and reimbursement of expenditure that was actually incurred. To facilitate the audit and the monitoring of the implementation of the Fund, the Commission should include those amounts in its annual implementation report for the Fund. The Commission should present a summary of the accepted annual performance reports to the European Parliament and the Council every year. Upon request, the Commission should make the full text of the annual performance reports available to the European Parliament and the Council.** [Am. 32]
- (47) In order to supplement and amend non-essential elements in this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of **work programmes for the thematic facility**, the list of actions eligible for higher co-financing as listed in Annex IV, operating support and in order to further develop the monitoring and evaluation framework. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law Making of 13 April 2016. [Am. 33]
- (48) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred to the Commission. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁰⁾. ~~The examination procedure should be used for implementing acts that lay down common obligations on Member States, in particular on the provision of information to the Commission, and the advisory procedure should be used for the adoption of implementing acts relating to the~~

⁽¹⁷⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision) (OJ L 344, 19.12.2013, p. 1).

⁽¹⁸⁾ ~~COM(2017)0623.~~

⁽¹⁹⁾ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

⁽²⁰⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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modalities of providing information to the Commission in the framework of programming and reporting, given their purely technical nature. [Am. 34]

- (49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (50) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland [is not taking part in the adoption of this Regulation and is not bound by it or subject to its application / has notified its wish to take part in the adoption and application of this Regulation].
- (51) It is appropriate to align the period of application of this Regulation with that of Council Regulation (EU, Euratom) No X laying down the multiannual financial framework ⁽²¹⁾,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes the Internal Security Fund ('the Fund') **for the period from 1 January 2021 to 31 December 2027**. [Am. 35]
2. ~~This Regulation~~ lays down:
 - (a) the objectives of the Fund,;
 - (b) **the specific objectives of the Fund and measures to implement those specific objectives;**
 - (c) the budget for the period 2021-2027,;
 - (d) the forms of Union funding and the rules **for** providing ~~for~~ such funding. [Am. 36]

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of the Financial Regulation, combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;
- (b) 'crime prevention' means all measures that are intended to reduce or otherwise contribute to reducing crime and citizens' feeling of insecurity, as referred to in Article 2(2) of Council Decision 2009/902/JHA ⁽²²⁾;
- (c) 'critical infrastructure' means an asset, network, system or part thereof which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption, breach or destruction of which would have a significant impact in a Member State or in the Union as a result of the failure to maintain those functions;

⁽²¹⁾ Council Regulation (EU, Euratom) No XXX.

⁽²²⁾ Council Decision 2009/902/JHA of 30 November 2009 setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA (OJ L 321, 8.12.2009, p. 44).

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- (d) 'cybercrime' means cyber-dependent crimes, that is to say crimes that can be committed only through the use of information and communications technology (ICT) devices and systems, where the devices and systems are either tools for committing the crime or the primary targets of the crime; and cyber-enabled crimes, that is to say traditional crimes, ~~such as child sexual exploitation~~, which can be increased in scale or reach by the use of computers, computer networks or other forms of ICT; [Am. 37]
- (e) 'EMPACT actions' means actions undertaken in the framework of the European multidisciplinary platform against criminal threats (EMPACT) ⁽²³⁾. EMPACT is a structured multidisciplinary cooperation platform of the relevant Member States, Union institutions and agencies, as well as third countries, international organisations and other public and private partners to address prioritised threats of organised and serious international crime under the EU Policy Cycle;
- (f) 'EU Policy Cycle' refers to an intelligence-led and multidisciplinary initiative with the aim to fight the most important serious and organised crime threats to the Union by encouraging cooperation between the Member States, the Union institutions, *the Union Justice and Home Affairs* the agencies and where relevant third countries and *specific international* organisations; [Am. 38]
- (g) 'exchange of and access to information' means the secure collection, storage, processing, analysis and exchange of information relevant to the authorities referred to in Article 87 TFEU as well as to Europol, *Eurojust and the European Public Prosecutor's Office* in relation to the prevention, detection, investigation, and prosecution of criminal offences, in particular *terrorism and cybercrime, as well as* cross-border *serious and* organised crime *processed in compliance with applicable Union data protection rules*; [Am. 39]
- ~~(h) 'judicial cooperation' means judicial cooperation in criminal matters; [Am. 40]~~
- (i) 'LETS' means the European Law Enforcement Training Scheme, aimed at equipping law enforcement officers with the knowledge and skills they need to prevent and combat *organised and serious* cross-border crime *and terrorism* effectively through efficient cooperation, as outlined in the Commission Communication of 27 March 2013 on establishing a European LETS ⁽²⁴⁾ and further referred to in the CEPOL Regulation ⁽²⁵⁾; [Am. 41]
- (j) 'organised crime' means punishable conduct relating to participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA ⁽²⁶⁾;
- (k) 'preparedness' means ~~any measure~~ *specific measures* aimed at preventing or reducing risks linked to possible terrorist attacks or other security-related incidents; [Am. 42]
- (l) 'Schengen evaluation and monitoring mechanism' means the verification of the correct application of the Schengen acquis as laid down in Regulation (EU) No 1053/2013, including in the area of police cooperation;
- (m) 'tackling corruption' covers all areas outlined in the United Nations Convention against corruption, including prevention, criminalisation and law enforcement measures, international cooperation, asset recovery, technical assistance and information exchange;

⁽²³⁾ Conclusions of the Council of Justice and Home Affairs Ministers, 8 and 9 November 2010.

⁽²⁴⁾ COM(2013)0172 establishing a European Law Enforcement Training Scheme (LETS).

⁽²⁵⁾ Regulation (EU) 2015/2219 of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA, (OJ L 319, 4.12.2015, p. 1).

⁽²⁶⁾ Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).

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- (n) 'terrorism' means any of the intentional acts and offences as defined in Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism ⁽²⁷⁾.

Article 3

Objectives of the Fund

1. The policy objective of the Fund shall be to contribute to ensuring a high level of security in the Union, ***inter alia through increased cooperation***, in particular by ~~tackling~~ ***preventing and combating*** terrorism and ***violent extremism, including*** radicalisation, serious and organised crime and, cybercrime ~~and, as well as~~ by assisting and protecting victims of crime. ***The Fund shall also support preparedness for and management of security-related incidents.*** [Am. 43]

2. Within the policy objective set out in paragraph 1, the Fund shall contribute to the following specific objectives:
 - (a) to ~~increase~~ ***improve and facilitate*** the exchange of ***relevant and accurate*** information among and within the Union law enforcement and ***judicial authorities of the Member States***, other competent authorities ***of the Member States*** and other relevant Union bodies ~~as well as, in particular Europol and Eurojust, and, where relevant,~~ with third countries and international organisations; [Am. 44]

 - (b) to ***improve and*** intensify cross-border ***coordination and cooperation, including relevant*** joint operations among and within the ~~Union~~ ***Member States'*** law enforcement and other competent authorities in relation to ***terrorism, and*** serious and organised crime with a cross-border dimension; ~~and~~ [Am. 45]

 - (c) to support ~~effort at~~ ***the necessary*** strengthening ***of*** the capabilities ***of the Member States*** in relation to combatting and preventing crime, including terrorism, ***cybercrime and violent extremism, including radicalisation***, in particular through increased cooperation between public authorities, ***the relevant Union agencies***, civil society and private ~~partners~~ ***actors, within and*** across the Member States., ***and civilian crisis management following a security-related incident;*** [Am. 46]

 - (ca) ***to develop a common intelligence culture by supporting contacts and mutual trust, understanding and learning, the dissemination of know-how and best practices among the intelligence services of the Member States and with Europol, notably through joint training and the exchange of experts.*** [Am. 47]

3. Within the specific objectives set out in paragraph 2, the Fund shall be implemented, ***inter alia***, through the implementation measures listed in ~~Annex II~~ ***Article 3a.*** [Am. 48]

4. ~~Actions~~ ***Operations*** funded shall be implemented in full respect for ***compliance with*** fundamental rights and human dignity ***and the values enshrined in Article 2 TEU, and the funding shall be interrupted and recovered in case of clear and substantiated evidence that the actions contribute to violation of such rights.*** In particular, ~~actions~~ ***operations*** shall comply with the provisions of the Charter of Fundamental Rights of the European Union, Union data protection law and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). ~~In particular, wherever possible,~~ Special attention shall be given ~~by Member States~~ when implementing ~~actions to the assistance and protection of~~ ***operations relating to*** vulnerable persons, in particular children and unaccompanied minors. [Am. 49]

⁽²⁷⁾ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

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Article 3a**Implementation measures**

1. *The Fund shall contribute to achieving the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:*

- (a) ensuring uniform application of the Union acquis on security, supporting the exchange of relevant information, including through the implementation of recommendations from quality control and evaluation mechanisms, such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;*
- (b) setting up, adapting and maintaining security-relevant Union IT systems and communication networks, including ensuring their interoperability, and developing appropriate tools to address identified gaps;*
- (c) increasing the active use of Union security-relevant information exchange tools, systems and databases, improving the interconnection of security-relevant national databases as well as their connection to Union databases when foreseen in relevant legal bases, ensuring that those databases are fed with relevant high quality data; and*
- (d) supporting relevant national measures to implement the specific objectives set out in Article 3(2)(a).*

2. *The Fund shall contribute to the specific objective set out in Article 3(2)(b) by focusing on the following implementation measures:*

- (a) increasing relevant law enforcement operations between Member States, including, where appropriate, with other relevant actors, in particular facilitating and improving the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;*
- (b) increasing coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;*
- (c) improving inter-agency cooperation and, at Union level, between the Member States themselves, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand, as well as at national level among the competent national authorities in each Member State;*

3. *The Fund shall contribute to the specific objective set out in Article 3(2)(c) by focusing on the following implementation measures:*

- (a) increasing law enforcement training, exercises and mutual learning, notably by including elements aimed at raising awareness on issues related to radicalisation, violent extremism and racism, specialised exchange programmes between Member States, including for junior law enforcement staff, and sharing of best practice including with third countries and other relevant actors;*
- (b) exploiting synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, common operational support centres for jointly conducted operations, or the sharing of best practices in preventing crime at the local level;*

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- (c) *promoting and developing measures, safeguards, mechanisms and best practices for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and developing partnerships between public authorities and other relevant actors to this effect;*
- (d) *acquiring relevant equipment and setting up or upgrading specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats;*
- (e) *detecting, assessing and closing vulnerabilities in critical infrastructure and IT equipment with high market penetration in order to prevent attacks against information systems and critical infrastructure, for instance by code auditing of free and open source software, by establishing and supporting bug bounty programmes, or by penetration testing.*

4. *The Fund shall contribute to the achievement of the specific objective set out in Article 3(2)(ca) by focusing on the following implementation measures:*

- (a) *improving cooperation and coordination among the intelligence services of the Member States and between these services and law enforcement authorities through contacts, networking, mutual trust, understanding and learning, exchange and dissemination of know-how, experience and best practices, in particular with regard to support for police investigations and threat assessment;*
- (b) *the exchange of and training of intelligence officers.* [Am. 50]

Article 4

Scope of support

1. ~~Within the objectives referred to in Article 3 and~~ In-line with the implementation measures listed in ~~Annex H Article 3a~~, the Fund shall ~~in particular~~ support **actions that contribute to the achievement of the objectives referred to in Article 3. They may include** the actions listed in Annex III. [Am. 51]

2. To achieve the objectives **referred to in Article 3** of this Regulation, the Fund may **in exceptional cases, within defined limits and subject to appropriate safeguards**, support the actions ~~in line with Union priorities~~ as referred to in Annex III in relation to and in third countries, where appropriate, in accordance with Article 5. [Am. 52]

2a. **The total amount of funding for supporting actions in or in relation to third countries under the thematic facility in accordance with Article 8 shall not exceed 2 % of the total amount allocated to the thematic facility under Article 7(2) (b).** [Am. 53]

2b. **The total amount of funding for supporting actions in or in relation to third countries under the Member States' programmes in accordance with Article 12 shall not exceed, for each Member State, 2 % of the total amount allocated to that Member State in accordance with Article 7(2)(a), Article 10(1) and Annex I.** [Am. 54]

3. The following actions shall not be eligible:

- (a) actions limited to, **or mainly consisting of**, the maintenance of public order at national level; [Am. 55]
- (b) actions covering the purchase or maintenance of standard equipment, standard means of transport or standard facilities of the law-enforcement and other competent authorities referred to in Article 87 TFEU;
- (c) actions with a military or defence purpose;

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- (d) equipment of which ~~at least one of the purposes~~ **the main purpose** is customs control; [Am. 56]
- (e) coercive equipment, including weapons, ammunition, explosives and riot sticks, except for training;
- (f) informant rewards and flash money ⁽²⁸⁾ outside the framework of an EMPACT action.

Where an emergency situation occurs, non-eligible actions referred to in ~~this paragraph~~ **points (a) and (b) of the first subparagraph** may be considered eligible. [Am. 57]

Article 5

Eligible entities

1. The following entities may be eligible:
 - (a) legal entities established in any of the following countries:
 - (i) a Member State or an overseas country or territory linked to it;
 - (ii) **a** third country listed in the work programme under the conditions specified therein, **subject to the condition that all actions by, in, or in relation to, that third country fully respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union and the international obligations of the Union and the Member States.** [Am. 58]
 - (b) any legal entity created under Union law or any **relevant** international organisation. [Am. 59]
2. Natural persons are not eligible.
3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action, **following approval by the Commission.** [Am. 60]
4. Legal entities participating in consortia of at least two independent entities, established in different Member States or **in** overseas countries or territories linked to those states ~~or in third countries~~, are eligible. [Am. 61]

CHAPTER II

FINANCIAL AND IMPLEMENTATION FRAMEWORK

SECTION 1

COMMON PROVISIONS

Article 6

General principles

1. Support provided under this Regulation shall complement national, regional and local intervention, and shall focus on bringing **European** added value to the objectives of this Regulation. [Am. 62]
2. The Commission and the Member States shall ensure that the support provided under this Regulation and by the Member States is consistent with the relevant activities, policies and priorities of the Union and is complementary to ~~other Union~~ **national** instruments **and coordinated with other instruments of the Union, in particular actions carried out under other Union funds.** [Am. 63]

⁽²⁸⁾ 'Flash money' is genuine cash which is shown (exhibited) during a criminal investigation as proof of liquidity and solvency to the suspects or other persons who have information about availability or delivery or who act as intermediaries, in order to carry out a fictitious purchase aimed at arresting suspects, identifying illegal production sites or otherwise dismantling an organised crime group.

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3. The Fund shall be implemented under shared, direct or indirect management in accordance with Articles 62(1)(a), (b) and (c) of the Financial Regulation.

Article 7

Budget

1. The financial envelope for the implementation of the Fund for the period 2021-2027 shall be **EUR 2 209 725 000 in 2018 prices (EUR 2 500 000 000 in current prices)**. [Am. 64]
2. The financial envelope shall be used as follows:
 - (a) **EUR 1 325 835 000 in 2018 prices** (EUR 1 500 000 000 **in current prices**) shall be allocated to the programmes implemented under shared management; [Am. 65]
 - (b) **EUR 883 890 in 2018 prices** (EUR 1 000 000 000 **in current prices**) shall be allocated to the thematic facility. [Am. 66]
3. Up to 0,84 % of the financial envelope shall be allocated for technical assistance at the initiative of the Commission for the implementation of the Fund.

Article 8

General provisions on the implementation of the thematic facility

1. The financial envelope referred to in Article 7(2)(b) shall be allocated flexibly through the thematic facility using shared, direct and indirect management as set out in work programmes. Funding from the thematic facility shall be used for its components:
 - (a) specific actions;
 - (b) Union actions; and
 - (c) emergency assistance.

Technical assistance at the initiative of the Commission shall also be supported from the financial envelope for the thematic facility.

2. Funding from the thematic facility shall address priorities with a high added value to the Union ~~or~~ to be used to respond to urgent needs, in line with agreed Union priorities as outlined in **Article 3a, for specific measures such as those listed in Annex H III, or to support measures in accordance with Article 19. The allocation of resources of the thematic facility among the different priorities shall, as far as possible, be proportionate to challenges and needs so as to ensure that the objectives of the Fund can be met.** [Am. 67]

2a. The funding from the thematic facility shall be allocated as follows:

- (a) **a minimum of 10 % to the specific objective referred to in point (a) of Article 3(2);**
- (b) **a minimum of 10 % to the specific objective referred to in point (b) of Article 3(2);**
- (c) **a minimum of 30 % to the specific objective referred to in point (c) of Article 3(2);**
- (d) **a minimum of 5 % to the specific objective referred to in point (ca) of Article 3(2).** [Am. 68]

3. When funding from the thematic facility is granted in direct or indirect management to Member States, ~~it~~ **no funding** shall be ensured that selected **available for** projects are not affected by, **where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of** a reasoned opinion **issued** by the Commission in respect of an infringement **procedure** under Article 258 of the TFEU that puts at risk the legality and regularity of expenditure or the performance of projects TFEU. [Am. 69]

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4. When funding from the thematic facility is implemented in shared management, the Commission shall, for the purposes of Article 18 and Article 19(2) of the Regulation (EU) No X [CPR], ~~assess whether the foreseen actions are not affected by~~ **ensure that no funding is available for projects, where there is clear evidence that the legality of those projects, or the legality and regularity of that funding, or the performance of those projects, would be in doubt as a result of** a reasoned opinion **issued** by the Commission in respect of an infringement **procedure** under Article 258 of the TFEU ~~that puts at risk the legality and regularity of expenditure or the performance of the projects~~ TFEU. [Am. 70]

5. The Commission shall establish the overall amount made available for the thematic facility at under the annual appropriations of the Union budget. The Commission shall **be empowered to** ~~adopt financing decisions~~ **delegated acts in accordance with Article 28 in order to supplement this Regulation by laying down work programmes** as referred to in Article 110 of the Financial Regulation for the thematic facility identifying the objectives and actions to be supported and specifying the amounts for each of its components as referred to paragraph 1. ~~Financing decisions~~ **Before the adoption of a work programme, the Commission shall consult relevant stakeholders, including civil society organisations. Work programmes** shall set out, where applicable, the overall amount reserved for blending operations. **To ensure a timely availability of resources, the Commission may separately adopt a work programme for emergency assistance.** [Am. 71]

6. Following the ~~adopting~~ **adoption** of the ~~financing decision~~ **work programme** as referred to in paragraph 5, the Commission may amend the programmes implemented under shared management accordingly. [Am. 72]

7. These ~~financing decisions~~ **work programmes** may be annual or multiannual and may cover one or more components of the thematic facility. [Am. 73]

SECTION 2

SUPPORT AND IMPLEMENTATION UNDER SHARED MANAGEMENT

Article 9

Scope

1. This section applies to the part of the financial envelope referred to in Article 7(2)(a) and the additional resources to the implemented under shared management according to the Commission decision for the thematic facility referred to in Article 8.

2. Support under this section shall be implemented under shared management in accordance with Article 63 of the Financial Regulation and the Regulation (EU) No [CPR].

Article 10

Budgetary resources

1. Resources referred to in Article 7(2)(a) shall be allocated to the national programmes implemented by Member States under shared management ('the programmes') indicatively as follows:

(a) EUR 1 250 000 000 to the Member States in accordance with the criteria in Annex I;

(b) EUR 250 000 000 to the Member States for the adjustment of the allocations for the programmes as referred to in Article 13(1).

2. Where the amount referred to in paragraph 1(b) is not allocated, the remaining amount may be added to the amount referred to in Article 7(2)(b).

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Article 11

Co-financing rates

1. The contribution from the Union budget shall not exceed 75 % of the total eligible expenditure of a project.
2. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for projects implemented under specific actions.
3. The contribution from the Union budget may be increased to 90 % of the total eligible expenditure for actions listed in Annex IV.
4. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for operating support.
5. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for emergency assistance.

5a. The contribution from the Union budget may be increased to 100 % of the total eligible expenditure for technical assistance at the initiative of the Member States. [Am. 74]

6. The Commission decision approving a programme shall set the co-financing rate and the maximum amount of support from this Fund for the types of actions referred to in paragraphs 1 to 5.
7. For each specific objective, the Commission decision shall set out whether the co-financing rate for the specific objective is to be applied to:
 - (a) the total contribution, including the public and private contributions; or
 - (b) the public contribution only.

Article 12

Programmes

1. Each Member State **and the Commission** shall ensure that the priorities addressed in ~~its~~ **the national** programmes are consistent with and respond to Union priorities and challenges in the area of security and are fully in line with the relevant Union acquis and agreed Union priorities. In defining these priorities of their programmes, Member States shall ensure that the implementing measures as set out in ~~Annex II~~ **Article 3a** are adequately addressed in the programme. [Am. 75]

1a. When assessing the national programs of the Member States, the Commission shall ensure that the planned actions are not affected by a reasoned opinion that it has delivered concerning an infringement under Article 258 TFEU relating to the legality and regularity of expenditure or the execution of projects. [Am. 76]

1b. Member States shall allocate the resources for their national programmes as follows:

- (a) a minimum of 10 % to the specific objective referred to in point (a) of Article 3(2);
- (b) a minimum of 10 % to the specific objective referred to in point (b) of Article 3(2);
- (c) a minimum of 30 % of the to the specific objective referred to in point (c) of Article 3(2);
- (d) a minimum of 5 % to the specific objective referred to in point (ca) of Article 3(2)(ca). [Am. 77]

1c. Member States wishing to derogate from paragraph 1b shall inform the Commission accordingly and shall assess, together with the Commission, whether those minimum percentages should be amended because of particular circumstances affecting internal security. Any such amendments shall be approved by the Commission. [Am. 78]

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2. The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL), **the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Public Prosecutor's Office (EPPO), the European Union Network and Information Security Agency (ENISA), the European Agency for the operational management of large-scale IT Systems (eu-LISA), the European Border and Coast Guard Agency (EBCGA), the European Union Agency for Fundamental Rights (FRA)** and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are ~~associated to the~~ **involved in the programme** development of the programmes at an early stage **from the outset**, as regards the areas of their competence. Specifically, Member States shall consult Europol on the design of their actions in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps. **Members States shall also consult other relevant stakeholders, including civil society organisations, on the planning of their actions.** [Am. 79]

3. The Commission may associate the ~~Union Agency for Law Enforcement Cooperation (Europol)~~ **Agencies referred to in paragraph 2**, the ~~European Union Agency for Law Enforcement Training (CEPOL)~~ **Data Protection Board** and the ~~European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)~~ **Data Protection Supervisor (EDPS)** where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund, **which fall within their mandate**, are compliant with the relevant Union acquis and agreed Union priorities. [Am. 80]

4. A maximum of 15 % of the allocation of a Member State programme may be used for the purchase of equipment, means of transport or the construction of security-relevant facilities. This ceiling may **only** be exceeded ~~only~~ in duly justified cases **and following approval by the Commission.** [Am. 81]

5. In their programmes, Member States shall give priority to addressing:

- (a) Union priorities and acquis in the area of security in particular **the coordination and cooperation between law enforcement authorities and the efficient exchange of relevant and accurate information exchange and the implementation of the components of the framework for interoperability of EU information systems;** [Am. 82]
- (b) recommendations with financial implications made in the framework of Regulation (EU) No 1053/2013 on the Schengen evaluation and monitoring mechanism in the area of police cooperation;
- (c) country-specific deficiencies with financial implications identified in the framework of needs assessments such as European Semester recommendations in the area of corruption.

6. Where necessary, the programme shall be amended to take into account the recommendations referred to in paragraph 5 **and the progress in achieving the milestones and targets as assessed in the annual performance reports as referred to in Article 26(2)(a).** Depending on the impact of the adjustment, the revised programme ~~may~~ **shall** be approved by the Commission **in line with the procedure set out in Article 19 of Regulation (EU) No X [CPR].** [Am. 83]

7. Member States shall pursue in particular the actions listed in Annex IV. In the event of unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex IV.

8. Whenever a Member State decides to implement projects ~~with~~ **in or in relation to** a third country **as referred to in Article 5**, with the support of the Fund, the Member State concerned shall consult the Commission prior to the start of the project. **The Commission shall assess the complementarity and coherence of the projects envisaged with the other actions of the Union and the Member States, in relation to the third country concerned. The Commission shall also check the conformity of the proposed projects with the fundamental rights requirements referred to in Article 3(4).** [Am. 84]

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9. ~~Programming as referred to~~ In **accordance with** Article ~~17(5)~~ **17** of Regulation (EU) No ~~[CPR]~~ **X [CPR]**, **each programme shall be based on set out for each specific objective** the types of intervention ~~set out~~ in **accordance with** Table 1 of Annex VI **and an indicative breakdown of the programmed resources by type of intervention or area of support.** [Am. 85]

Article 13

Mid-term review

1. In 2024, **after informing the European Parliament**, the Commission shall allocate to the programmes of the Member States concerned the additional amount referred to in Article 10(1)(b) in accordance with the criteria referred to in paragraph 2 of Annex I. Funding shall be effective for the period as of the calendar year 2025. [Am. 86]

2. If at least ~~40~~ **30** % of the initial allocation of a programme referred to in Article 10(1)(a) has not been covered by interim payment applications submitted in accordance with Article 85 of Regulation (EU) No **X [CPR]**, the Member State concerned shall not be eligible to receive the additional allocation for the programme referred to in paragraph 1. [Am. 87]

2a. Paragraph 2 shall apply only if the relevant regulatory framework and related acts are in force on 1 January 2022. [Am. 160]

3. The allocation of the funds from the thematic facility as from 2025 shall, ~~where appropriate~~, take into account the progress made in achieving the milestones of the performance framework as referred to in Article 12 of Regulation (EU) No **X [CPR]** and identified implementation shortcomings. [Am. 88]

Article 14

Specific actions

1. Specific actions are transnational or national projects in line with the objectives of this Regulation for which one, several or all Member States may receive an additional allocation to their programmes.

2. Member States may, in addition to their allocation calculated in accordance with Article 10(1), receive funding for specific actions, provided that it is earmarked as such in the programme and is used to contribute to the implementation of the objectives of this Regulation, including covering newly emerging threats.

3. The funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

Article 15

Operating support

1. Operating support is a part of a Member State's allocation which may be used as support to the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union **insofar as they contribute to ensuring a high level of security in the Union as a whole.** [Am. 89]

2. A Member State may use up to ~~40~~ **20** % of the amount allocated under the Fund to its programme to finance operating support for the public authorities responsible for accomplishing the tasks and services which constitute a public service for the Union. [Am. 90]

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3. A Member State using operating support shall comply with the Union acquis on security.
4. Member States shall justify in the programme and in the annual performance reports, as referred to in Article 26, the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall assess the baseline situation in the Member States which have indicated their intention to request operating support, taking into account the information provided by those Member States as well as recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism, **the vulnerability and risk assessment by the European Border and Coast Guard Agency (EBCGA)** and other quality control and evaluation mechanisms, **as applicable**. [Am. 91]
5. Operating support shall be concentrated on ~~specific tasks and services~~ **actions** as laid down in Annex VII. [Am. 92]
6. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend the specific tasks and services in Annex VII.

Article 15a

Visibility, transparency and communication

The recipients of Union financing shall comply fully with the visibility, transparency and communication requirements set out in Regulation (EU) No X [CPR]. [Am. 93]

Section 3

Support and implementation under direct and indirect management

Article 16

Scope

Support under this section shall be implemented either directly by the Commission in accordance with point (a) of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that Article.

Article 17

Union actions

1. Union actions are transnational project or projects of particular interest to the Union, in line with the objectives of this Regulation.
2. At the Commission's initiative, the Fund may be used to finance Union actions concerning the objectives of this Regulation as referred to in Article 3 and in accordance with Annex III.
3. Union actions may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. It may also provide financing in the form of financial instruments within blending operations.
- 3a. Decentralised agencies may also be eligible for funding available within the framework of Union actions in order to support transnational actions with European added value. [Am. 94]**
4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of the Financial Regulation.
5. The evaluation committee, assessing the proposals, may be composed of external experts.

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6. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X of] Regulation X [successor of the Regulation on the Guarantee Fund] shall apply.

Article 18

Blending operations

Blending operation decided under this Fund shall be implemented in accordance with the InvestEU Regulation ⁽²⁹⁾ and Title X of the Financial Regulation.

Article 19

Technical assistance at the initiative of the Commission

The Fund may support technical assistance measures implemented at the initiative of, or on behalf of, the Commission. Those measures, **namely preparatory, monitoring, control, audit, evaluation, communication, including corporate communication on the political priorities of the Union in the area of security, visibility and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate, with third countries**, may be financed at the rate of 100 %. [Am. 95]

Article 20

Audits

Audits on the use of Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union].

Article 21

Information, communication and publicity

1. The recipient of Union funding shall ~~acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting~~ **promote** the actions and their results by providing coherent, effective and proportionate ~~targeted~~ **meaningful** information to multiple **relevant** audiences, including media and the public **in the relevant language**. **To ensure the visibility of Union funding, recipients of Union funding shall make reference to its origin when communicating the action. To that end, recipients shall ensure that any communication to the media and the general public displays the Union's emblem and mentions explicitly the Union's financial support.** [Am. 96]

2. **To reach the widest possible audience**, the Commission shall implement information and communication actions relating to the Fund and its actions and results. **In particular, the Commission shall publish information concerning the development of the annual and multiannual programmes of the thematic facility. The Commission shall also publish the list of operations selected for support under the thematic facility on a publicly available website and shall update that list regularly.** Financial resources allocated to the Fund shall also contribute to the **communication, notably** corporate communication of the political priorities of the Union, as far as they are related to the objectives of this Regulation. [Am. 97]

2a. **The Commission shall publish the information referred to in paragraph 2 in open, machine readable formats that allow data to be sorted, searched, extracted, compared and reused, as set out in Article 5(1) of Directive 2003/98/EC of the European Parliament and of the Council ⁽³⁰⁾. It shall be possible to sort the data by priority, specific objective, total eligible cost of operations, total cost of projects, total cost of procurement procedures, name of beneficiary and name of contractor.** [Am. 98]

⁽²⁹⁾ Full reference.

⁽³⁰⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

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Section 4

Support and implementation under shared, direct and indirect management

Article 22

Emergency assistance

1. ~~The Fund shall~~ **The Commission may decide to** provide financial assistance **from the Fund** to address urgent and specific needs in the event of ~~an~~ **a duly justified** emergency situation ~~resulting~~. **Those situations can result** from a security-related incident ~~or~~, newly emerging threat **or newly detected vulnerability** within the scope of this Regulation which has or may have a significant adverse impact on the security of people, **public spaces or critical infrastructure** in one or more Member States;. **In such cases, it shall inform the European Parliament and the Council in a timely manner.** [Am. 99]

2. Emergency assistance may take the form of grants awarded directly to the decentralised agencies.

3. Emergency assistance may be allocated to Member States' programmes in addition to their allocation calculated in accordance with Article 10(1), provided that it is earmarked as such in the programme. This funding shall not be used for other actions in the programme except in duly justified circumstances and as approved by the Commission through the amendment of the programme.

4. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of the Financial Regulation.

4a. Where necessary for the implementation of the action, emergency assistance may cover expenditure that was incurred prior to the date of submission of the grant application or the request for assistance, but not prior to 1 January 2021. [Am. 100]

Article 23

Cumulative, complementary and combined funding

1. An ~~action~~ **operation** that has received a contribution under the Fund may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the ~~action~~ **operation** and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support. [Am. 101]

2. ~~Actions~~ **Operations** awarded a seal of Excellence certification, or which comply with the following cumulative comparable conditions: [Am. 102]

(a) they have been assessed in a call for proposals under the Fund;

(b) they comply with the minimum quality requirements of that call for proposals;

(c) they may not be financed under that call for proposals due to budgetary constraints.

may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article 67 of Regulation (EU) X [CPR] and Article 8 or Regulation (EU) X [Financing, management and monitoring of the Common Agricultural Policy], provided that such ~~actions~~ **operations** are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply. [Am. 103]

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Section 5

Monitoring, reporting and evaluation

Sub-section 1

Common provisions

Article 24

Monitoring and reporting

1. In compliance with its reporting requirements pursuant to Article 43(3)(h)(i)(iii) of the Financial Regulation, the Commission shall present to the European Parliament and the Council information on performance in accordance with Annex V.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex V in order to make the necessary adjustments to the information on performance to be provided to the European Parliament and the Council.
3. The indicators to report on progress of the Fund, towards the achievement of the specific objectives set out in Article 3, are set out in Annex VIII. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative. **Upon request, the Commission shall make the data on the output and result indicators it has received available to the European Parliament and to the Council. [Am. 104]**
4. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and where relevant Member States.
5. In order to ensure effective assessment of the progress of the Fund towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend Annex VIII to review and complement the indicators where necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework, including for project information to be provided by the Member States. **Qualitative indicators shall be included for the assessment. [Am. 105]**

Article 25

Evaluation

1. **By 31 December 2024**, the Commission shall ~~carry out a mid-term and a retrospective~~ **present a mid-term** evaluation of this Regulation, ~~including the~~. **The mid-term evaluation shall examine the effectiveness, efficiency, relevance and coherence of the Fund. More specifically, it shall include an assessment of:**
 - (a) **the progress made towards the achievement of the objectives of this Regulation, taking into account all relevant information already available, in particular the annual performance reports referred to in Article 26 and the output and result indicators set out in Annex VIII;**
 - (b) **the European added value of actions and operations implemented under this Fund** actions implemented under this Fund.;
 - (c) **the appropriateness of the implementation measures set out in Article 3 a to address existing and emerging security challenges;**
 - (d) **the longer-term impacts and the sustainability effects of the Fund;**
 - (e) **the complementarity and coherence between the actions supported under this Fund and support provided by other Union funds.**

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That compulsory midterm evaluation shall take into account retrospective evaluation results on the long-term impact of the previous instrument for financial support for internal security for the period 2014-2020, the Internal Security Fund-Police. The evaluation shall, as appropriate, be accompanied by a legislative proposal for the revision of this Regulation. [Am. 106]

1a. By 31 January 2030, the Commission shall carry out a retrospective evaluation of this Regulation. By the same date, the Commission shall submit an evaluation report to the European Parliament and to the Council, which includes the elements listed in paragraph 1. In that regard, the longer-term impacts of the instrument shall be evaluated with a view to feeding into a decision on a possible renewal or modification of a subsequent fund. [Am. 107]

~~2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process in accordance with the timeline set out Article 40 of Regulation (EU) No [CPR] made publicly available and submitted to the Parliament without delay to ensure full transparency. The Commission shall ensure that the evaluations do not include information the dissemination of which may create a risk for the safety or privacy of individuals or jeopardise security operations. [Am. 108]~~

Sub-section 2

Rules for shared management

Article 26

Annual performance reports

1. By 15 February 2023 and by the same date of each subsequent year up to and including 2031, Member States shall submit to the Commission the annual performance report as referred to in Article 36(6) of Regulation (EU) No [CPR]. The report submitted in 2023 shall cover the implementation of the programme until 30 June 2022. ***Member States shall publish those reports on a dedicated website and forward them to the European Parliament and the Council. [Am. 109]***

2. The annual performance report shall in particular include information on:

(a) the progress in the implementation of the programme and in achieving the milestones and targets, taking into account the latest data as required by Article 37 of Regulation (EU) No [CPR];

(aa) a breakdown of the annual accounts of the national programme into recoveries, pre-financing to final beneficiaries and expenditure actually incurred; [Am. 110]

(b) any issues affecting the performance of the programme and the actions taken to address them, ***including reasoned opinions issued by the Commission in respect of an infringement procedure under Article 258; [Am. 111]***

(c) the complementarity, ***coordination and coherence*** between the actions supported by the Fund and support provided by other Union funds, in particular those in or in relation to third countries; ***[Am. 112]***

(d) the contribution of the programme to the implementation of the relevant Union acquis and action plans;

(da) compliance with fundamental rights requirements; [Am. 113]

(e) the implementation of communication and visibility actions;

(f) the fulfilment of the enabling conditions and their application throughout the programming period.

3. The Commission may make observations on the annual performance report within two months of the date of its receipt. Where the Commission does not provide observations within that deadline, the report shall be deemed to have been accepted.

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3a. Once accepted, the Commission shall make summaries of the annual performance reports available to the European Parliament and the Council and shall publish them on a dedicated website. If not forwarded by the Member States in accordance with paragraph 1, the full text of the annual performance reports shall be made available to the European Parliament and to the Council upon request. [Am. 114]

4. In order to ensure uniform conditions for the implementation of this Article, the Commission shall adopt an implementing act establishing the template for the annual performance report. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 29(2).

Article 27

Monitoring and reporting

1. Monitoring and reporting, in accordance with Title IV of Regulation (EU) No [CPR], shall be based on types of intervention set out in Tables 1, 2 and 3 of Annex VI. To address unforeseen or new circumstances or to ensure the effective implementation of funding, the Commission shall be empowered to adopt delegated acts to amend Annex VI in accordance with Article 28.

2. The indicators shall be used in accordance with Articles 12(1), 17 and 37 of Regulation (EU) No [CPR].

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 28

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 8, 12, 15, 24 and 27 shall be conferred on the Commission until 31 December 2028. [Am. 115]

3. The European Parliament or the Council may revoke the delegation of powers referred to in Articles 8, 12, 15, 24 and 27 at any time. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. [Am. 116]

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council thereof.

6. A delegated act adopted pursuant to Articles 8, 12, 15, 24 and 27 shall enter into force only if neither the European Parliament nor the Council has expressed an objection within two months of being notified of it or if, before the expiry of that period, they have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council. [Am. 117]

Article 29

Committee procedure

1. The Commission shall be assisted by a Coordination Committee for the Asylum and Migration Fund, the Internal Security Fund and the Instrument for Border Management and Visa. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

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2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act. This shall not apply to the implementing act referred to in Article 26(4).

Article 30

Transitional provisions

1. Regulation (EU) No 513/2014 is repealed with effect from 1 January 2021.
2. Without prejudice to paragraph 1, this Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under the Police Instrument of the Internal Security Fund, which shall continue to apply to those actions concerned until their closure.
3. The financial envelope for the Fund may also cover technical and administrative assistance expenses necessary to ensure the transition between the Fund and the measures adopted under its predecessor, the Police Instrument of the Internal Security Fund established by Regulation (EU) No 513/2014.

Article 31

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President

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ANNEX I

Criteria for the allocation of funding to the programmes under shared management

The financial envelope referred to in Article 10 shall be allocated to the Member States programmes as follows:

- (1) a one-time fixed amount of EUR 5 000 000 will be allocated to each Member State at the start of the programming period to ensure a critical mass for each programme and to cover needs that would not be directly expressed through the criteria indicated below;
- (2) the remaining resources will be distributed according to the following criteria:
 - (a) 45 % in inverse proportion to their gross domestic product (purchasing power standard per inhabitant),
 - (b) 40 % in proportion to the size of their population,
 - (c) 15 % in proportion to the size of their territory.

The initial allocation shall be based on the latest annual statistical data produced by the Commission (Eurostat) covering the preceding calendar year. For the mid-term review, the reference figures shall be the latest annual statistical data produced by the Commission (Eurostat) covering the preceding calendar year available at the time of the mid-term review in 2024.

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ANNEX II

Implementation measures

The Fund shall contribute to the specific objective set out in Article 3(2)(a) by focusing on the following implementation measures:

- (a) to ensure the uniform application of the Union acquis on security supporting information exchange for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;
- (b) to set up, adapt and maintain security relevant Union IT systems and communication networks, including their interoperability, and to develop appropriate tools to address identified gaps;
- (c) to increase the active use of Union security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data;
- (d) to support relevant national measures if relevant to implement the specific objectives set out in Article 3(2)(a).

The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:

- (a) to increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;
- (b) to increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;
- (c) to improve inter-agency cooperation and at Union level between the Member States, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand as well as at national level among the national authorities in each Member State.

The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on the following implementation measures:

- (a) to increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors;
- (b) to exploit synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations;
- (c) to promote and develop measures, safeguards, mechanisms and best practices for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect;

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- (d) ~~to acquire relevant equipment and to set up or upgrade specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats.~~
[Am. 119]
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ANNEX III

Examples of eligible actions to be supported by the Fund in-line with Article 4. [Am. 120]

Support from the Internal Security Fund may, inter alia, be targeted towards the following types of actions: [Am. 121]

- **setting up of** IT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving **the** interoperability **components** and data quality of such systems; [Am. 122]
- monitoring of the implementation of Union law and Union policy objectives in the Member States in the area of security information systems, **in particular data protection, privacy and data security;** [Am. 123]
- EMPACT actions implementing or facilitating the implementation of the EU Policy Cycle;
- **support of decentralised agencies with a view to facilitate the cooperation during cross-border operations;** [Am. 124]
- actions supporting an effective and coordinated response to crisis linking up existing sector-specific capabilities, expertise centres and situation awareness centres, including those for health, civil protection, ~~and~~ terrorism **and cybercrime;** [Am. 125]
- actions developing innovative methods or deploying new technologies with a potential for transferability to other Member States, especially projects aiming at testing and validating the outcome of Union-funded security research projects;
- **actions that promote research and exchange of expertise improving resilience to emerging threats including trafficking via online channels, hybrid threats and chemical, biological, radiological and nuclear threats.** [Am. 126]
- **actions and networks of national contact points that facilitate the cross-border exchange of data acquired by surveillance systems, such as cameras and other sensors, combined with artificial intelligence algorithms, subject to robust safeguards, including data minimisation, prior validation by a judicial authority, and access to judicial redress;** [Am. 127]
- support to thematic or cross-theme networks of specialised national units to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence;
- **support for initiatives to network the intelligence services of the Member States to foster a common intelligence culture, improve mutual trust, exchange and dissemination of know-how, information, experience and good practice;** [Am. 128]
- education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, based on the LETS and in cooperation with CEPOL and, when applicable, the European Judicial Training Network;
- **education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies in prevention policies with special emphasis on fundamental rights training, including measures to detect and avoid racism, and exchange of best practices;** [Am. 129]
- cooperation with the private sector, **in particular in the field of cybersecurity,** in order to build trust and improve coordination, contingency planning and the exchange and dissemination of information and best practices among public and private actors including ~~in~~ the protection of ~~public spaces and~~ critical infrastructure; [Am. 130]
- actions empowering communities to develop local approaches and prevention policies, and awareness-raising and communication activities among stakeholders and the general public on Union security policies;

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- equipment, means of transport, communication systems and essential security-relevant facilities;
 - cost of staff involved in the actions that are supported by the Fund or actions requiring involvement of staff for technical or security-related reasons.
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ANNEX IV

Actions eligible for higher co-financing in-line with Articles ~~11(2) and 12(6)~~ **11(3) and 12(7)** [Am. 131]

- Projects which aim to prevent and counter ***violent extremism, including*** radicalisation, ***intolerance and discrimination, in particular measures to address their root causes and to prevent radicalisation in prisons, and projects providing specific training for law-enforcement authorities.*** [Am. 132]
- Projects which aim at improving the interoperability of IT systems and communication networks, ***insofar as provided for by Union or Member State law.*** ⁽¹⁾ [Am. 133]
- ***Projects which aim to fight organised crime structures that are particularly dangerous according to EMPACT.*** [Am. 134]
- ***Projects which aim to prevent and fight cybercrime, in particular child sexual exploitation online, including measures to prevent attacks against information systems and critical infrastructure by detecting and closing vulnerabilities.*** [Am. 135]
- ***Projects which aim to fight against trafficking via online channels.*** [Am. 136]

⁽¹⁾ In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016)0205.

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ANNEX V

Core performance indicators referred to in Article 24(1)

Specific Objective 1: Better information exchange

(1) Use of EU information exchange mechanisms.

data source: Europol, EU-LISA, Council, Member States

Specific Objective 2: Increased operational cooperation

(1) Number of joint operational actions supported by the Fund.

data source: Europol, Eurojust, Member States

(2) The estimated value of assets frozen, estimated value of assets confiscated with the help of the Fund.

data source: Member States

(3) Value **of seizures** of illicit ~~drug seizures~~ **drugs, weapons, wildlife products and trafficking of cultural goods** achieved with involvement of cross-border cooperation between law enforcement agencies **implemented with the support of the Fund.** [Am. 137]

data source: Member States, Union action grant beneficiaries

(4) Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed with the support of the Fund, as compared to the total number of recommendations with a financial implication in the area of security.

data source: Member States

Specific Objective 3: Strengthened capabilities to combat and to prevent crime

(5) Number of law enforcement officials that completed training, exercises, mutual learning or specialised exchange programmes on cross-border related topics provided with the support of the Fund.

data source: Member States

(6) Number **of public spaces and scale** of critical infrastructures ~~and public spaces~~ of which the protection against security-related incidents has been improved with the help of the Fund. [Am. 138]

data source: Member States

(7) Number of initiatives to prevent radicalisation leading to violent extremism.

data source: RAN

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ANNEX VI

Types of intervention

TABLE 1: CODES FOR THE INTERVENTION FIELD DIMENSION

1	TER-Countering Terrorist Financing
2	TER-Prevention and countering of radicalisation
3	TER-Protection and resilience of public spaces and other soft targets
4	TER- Protection and resilience of critical infrastructure
5	TER-Chemical Biological Radioactive Nuclear
6	TER-Explosives
7	TER-Crisis Management
8	TER-Other
9	OC-Corruption
10	OC-Economic and Financial Crime
10a	OC — Laundering of the proceeds of crime [Am. 139]
11	OC-Drugs
12	OC-Firearms trafficking
12a	Trafficking of cultural objects [Am. 140]
12b	Trafficking of endangered species [Am. 141]
13	OC-Trafficking in Human Beings
14	OC-Migrant Smuggling
15	OC-Environmental Crime
16	OC-Organised Property Crime
17	OC-Other
18	CC-Cybercrime — Other
19	CC-Cybercrime — Prevention
20	CC-Cybercrime — Facilitating investigations
21	CC-Cybercrime — Victims assistance

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22	CC-Child Sexual Exploitation — Prevention
23	CC-Child Sexual Exploitation — Facilitating investigations
24	CC-Child Sexual Exploitation — Victims assistance
24a	CC — <i>Distribution of child abuse images and child pornography</i> [Am. 142]
25	CC- Child Sexual Exploitation — Other
26	CC-Other
27	GEN-Information exchange
28	GEN-Police or interagency cooperation (customs, border guards, intelligence services)
29	GEN-Forensics
30	GEN-Victim support
31	GEN-Operating support
32	TA-Technical assistance — information and communication
33	TA-Technical assistance — preparation, implementation, monitoring and control
34	TA-Technical assistance — evaluation and studies, data collection
35	TA-Technical assistance — capacity building

TABLE 2: CODES FOR THE TYPE OF ACTION DIMENSION

1	IT-systems, interoperability, data quality, communication systems (excluding equipment)
2	Networks, centres of excellence, cooperation structures, joint actions and operations
3	Joint Investigation Teams (JITs) or other joint operations
4	Secondment or deployment of experts
5	Training
6	Exchange of best practices, workshops, conferences, events, awareness raising campaigns, communication activities
7	Studies, pilot projects, risk assessments
8	Equipment (included in calculation of 15 % cap)
9	Means of transport (included in calculation of 15 % cap)

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10	Buildings, facilities (included in calculation of 15 % cap)
11	Deployment or other follow-up of research projects

TABLE 3: CODES FOR THE IMPLEMENTATION MODALITIES DIMENSION

1	Cooperation with third countries
2	Actions in third countries
3	Implementation of Schengen evaluation recommendations in the area of police cooperation
4	Specific Actions (not known at programming stage)
5	Emergency Assistance (not known at programming stage)
6	Actions listed in Annex IV

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ANNEX VII

Eligible actions for operating support

Within specific objective better information exchange, operating support within the programmes shall cover:

- maintenance and helpdesk of Union and where relevant national IT systems contributing to the achievement of the objectives of this Regulation.
- staff costs contributing to the achievement of the objectives of this Regulation

Within specific objective increased operational cooperation, operating support within the national programmes shall cover:

- maintenance of technical equipment or means of transport used for actions in the area of prevention, detection and investigation of serious and organised crime with a cross-border dimension.
- staff costs contributing to the achievement of the objectives of this Regulation

Within specific objective strengthened capabilities to prevent and to combat crime, operating support within the national programmes shall cover:

- maintenance of technical equipment or means of transport used for actions in the area of prevention, detection and investigation of serious and organised crime with a cross-border dimension.
- staff costs contributing to the achievement of the objectives of this Regulation

Actions which are not eligible under Article 4(3) shall not be covered.

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ANNEX VIII

Output and result indicators referred to in Article 24(3)

Specific Objective 1: Better information exchange

- (1) Use of EU information exchange mechanisms measured through the:
- (a) number of **alerts introduced and** searches performed in the Schengen Information System (SIS); [Am. 143]
 - (b) number of searches in the system for transnational exchange of forensic data (DNA, fingerprints, number plates) between Member States (Prüm automated data exchange system);
 - (c) number of messages exchanged through Europol's Secure Information Exchange Network Application (SIENA);
 - (d) number of searches performed in Europol's Information System (EIS);
 - (e) total number of passengers whose EU Passenger Name Record (PNR) data have been collected and exchanged;
- (ea) number of searches performed in the European Criminal Record Information system for third Country nationals (ECRIS-TCN).** [Am. 144]

data source: Europol, EU-LISA, Council, Member States

- (2) Number of new connections ~~between~~ **of competent authorities to** security-relevant databases made with support of the Fund: [Am. 145]
- (a) with EU and where relevant international databases;
 - (b) within the Member State;
 - (c) with one or more other Member States;
 - (d) with one or more third countries.

data source: Member States

- (3) Number of active users of EU and where relevant national security relevant information exchange tools, systems and databases added with support from the Fund, as compared to number of total users.

data source: Member States

Specific Objective 2: Increased operational cooperation

- (4) Number of joint operational actions supported by the Fund, including the participating Member States and authorities and broken down by area (counter-terrorism, organised crime general, organised crime firearms, cybercrime, other):
- (a) number of joint investigation teams (JITs);
 - (b) number of European Multidisciplinary Platform against Criminal Threats (EMPACT) operational projects;
 - (c) other joint operational actions.

data source: Europol, Eurojust, Member States

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- (5) Participation in transnational networks operating with support of the Fund.
data source: Member States, Union action or EMAS grant beneficiaries
- (6) The estimated value of assets frozen, estimated value of assets confiscated with the help of the Fund.
data source: Member States
- (7) Value **of seizures** of illicit ~~drug seizures~~ **drugs, weapons, wildlife products and trafficking of cultural goods** achieved with involvement of cross-border cooperation between law enforcement agencies. [Am. 146]
data source: **Europol**, Member States, Union action grant beneficiaries [Am. 147]
- (8) Number of outputs of existing transnational networks generated with the help of the Fund, such as for example manuals on best practices, workshops, common exercises.
data source: Union action grant beneficiaries
- (9) Number of Schengen Evaluation Recommendations with a financial implication in the area of security addressed with the support of the Fund, as compared to the total number of recommendations with a financial implication in the area of security.
data source: Member States

Specific Objective 3: Strengthened capabilities to combat and to prevent crime

- (10) Number of law enforcement officials that completed training, exercises, mutual learning or specialised exchange programmes on cross-border related topics provided with the support of the Fund, broken down by the following areas:
(a) counter terrorism;
(b) organised crime;
(c) cybercrime;
(d) other areas of operational cooperation.
data source: Member States, **Europol**, **ENISA** [Am. 148]
- (11) Number of manuals on best practices and investigation techniques, standard operating procedures and other tools developed with support of the Fund as a result of interaction between different organisations across the EU.
data source: Member States, Union action or EMAS grant beneficiaries
- (12) Number of victims of crime assisted with the support of the Fund, broken down by type of crime (trafficking in human beings **and organs**, migrant smuggling, terrorism, serious and organised crime, cybercrime, **sexual exploitation and** child sexual exploitation, **torture or inhuman or degrading treatment**). [Am. 149]
data source: Member States
- (13) Number **of public spaces and scale** of critical infrastructures ~~and public spaces~~ of which the protection against security-related incidents has been improved with the help of the Fund. [Am. 150]
data source: Member States

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- (14) Number of initiatives to prevent radicalisation leading to violent extremism:
- ~~(a) number of hits on the website of the Radicalisation Awareness Network (RAN); [Am. 151]~~
 - (b) number of participants in the RAN broken down by type of expert;
 - (c) number of study visits, trainings, workshops and counselling completed in Member States in close coordination with national Authorities broken down by beneficiaries (law enforcement authorities, other) **and feedback of participants. [Am. 152]**
- data source: RAN, **Member States [Am. 153]**
- (15) Number of partnerships established with the support of the Fund contributing to improving support of witnesses, whistle-blowers and victims of crime:
- (a) with the private sector;
 - (b) with civil society.
- data source: Member States, Union action or EMAS grant beneficiaries

Specific objective 3a: Development of a common intelligence culture:

- (15a) ***Number of exchanges between Member States in the field of intelligence.***
- (15b) ***Number of law enforcement and intelligence officers involved in training, exercises, mutual learning programs or specialised exchange programs on cross-border issues organised with support from the Fund.***
- data source: Member States [Am. 154]***
-

Wednesday 13 March 2019

P8_TA(2019)0178

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

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks (COM(2016)0750 — C8-0496/2016 — 2016/0392(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/65)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0750),
 - having regard to Article 294(2) and Articles 43(2) and 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0496/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Italian Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 29 March 2017 ⁽¹⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letters of 10 December 2018 and 27 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on International Trade and the Committee on Agriculture and Rural Development (A8-0021/2018),
1. Adopts its position at first reading hereinafter set out ⁽²⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 209, 30.6.2017, p. 54.

⁽²⁾ This position replaces the amendments adopted on 1 March 2018 (Texts adopted, P8_TA(2018)0049).

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P8_TC1-COD(2016)0392

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/787.)

Wednesday 13 March 2019

P8_TA(2019)0179

Proposed amendments to Protocol No 3 on the Statute of the Court of Justice of the European Union *I**

European Parliament legislative resolution of 13 March 2019 on the draft regulation of the European Parliament and of the Council on amending Protocol No 3 on the Statute of the Court of Justice of the European Union (02360/2018 — C8-0132/2018 — 2018/0900(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/66)

The European Parliament,

- having regard to the request from the Court of Justice submitted to Parliament and the Council, in its revised version (02360/2018),
 - having regard to Article 256(1) and the second paragraph of Article 281 of the Treaty on the Functioning of the European Union, and Article 106a(1) of the Treaty establishing the European Atomic Energy Community, pursuant to which the draft act was submitted to Parliament (C8-0132/2018),
 - having regard to Article 294(3) and (15) of the Treaty on the Functioning of the European Union,
 - having regard to the opinions of the European Commission (COM(2018)0534 and C(2018)7500),
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 16 January 2019 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 48 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Constitutional Affairs (A8-0439/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission, the Court of Justice and the national parliaments.

P8_TC1-COD(2018)0900

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU, Euratom) 2019/... of the European Parliament and of the Council amending Protocol No 3 on the Statute of the Court of Justice of the European Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU, Euratom) 2019/629.)

Wednesday 13 March 2019

P8_TA(2019)0180

Establishing contingency measures in the field of social security coordination following the UK's withdrawal from the EU *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (COM(2019)0053 — C8-0039/2019 — 2019/0019(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/67)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2019)0053),
 - having regard to Article 294(2) and Article 48 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0039/2019),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 25 February 2019 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 Employment and Social Affairs (A8-0161/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the Commission statement annexed to this resolution, which will be published in the C series of the Official Journal of the European Union;
 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(2019)0019

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/500.)

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ANNEX TO THE LEGISLATIVE RESOLUTION

Commission Statement

The Regulation on establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union is based on Article 48 of the Treaty on the Functioning of the European Union (TFEU) as it concerns measures in the field of social security coordination. An extension of this Regulation to third-country nationals in the same legal act is not possible due to the incompatibility of the legal bases, as such an extension would need to be based on Article 79(2)(b) TFEU.

The Commission considers that third-country nationals covered by Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 should continue to benefit from the basic principles of social security coordination intended to be codified in the Regulation on establishing contingency measures in the field of social security coordination, based on the provisions of Regulation (EU) No 1231/2010 and of Regulations (EC) No 883/2004 and (EC) No 987/2009, which remain in force.

The Commission will consider, however, if it becomes necessary at a later stage, to have the principles set out in this Regulation extended to third country nationals legally resident in a Member State who, pursuant to Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010, are or have been covered by the EU legislation on coordination of social security systems to confirm their entitlements in relation to the period when the United Kingdom was a Member State.

Wednesday 13 March 2019

P8_TA(2019)0181

Common rules ensuring basic road freight connectivity with regard to the withdrawal of the United Kingdom from the Union *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic road freight connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2018)0895 — C8-0511/2018 — 2018/0436(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/68)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0895),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0511/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 20 February 2019 ⁽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 15 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0063/2019),
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(2018)0436

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on common rules ensuring basic road freight and road passenger connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/501.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 13 March 2019

P8_TA(2019)0182

Common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom from the Union *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2018)0893 — C8-0510/2018 — 2018/0433(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/69)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0893),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0510/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 20 February 2019 ⁽¹⁾,
 - after consulting the Committee of 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 27 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0062/2019),
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(2018)0433

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/502.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 13 March 2019

P8_TA(2019)0183

Rules relating to the European Maritime and Fisheries Fund following the UK's withdrawal from the Union *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 508/2014 as regards certain rules relating to the European Maritime and Fisheries Fund by reason of the withdrawal of the United Kingdom from the Union (COM(2019)0048 — C8-0037/2019 — 2019/0009(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/70)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2019)0048),
 - having regard to Article 294(2) and Articles 42 and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0037/2019),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - after consulting the European Economic and Social Committee,
 - having regard to the undertaking given by the Council representative by letter of 20 February 2019 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 154 of its Rules of Procedure,
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(2019)0009

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 508/2014 as regards certain rules relating to the European Maritime and Fisheries Fund following the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/497.)

Wednesday 13 March 2019

P8_TA(2019)0184

Fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters (COM(2019)0049 — C8-0036/2019 — 2019/0010(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/71)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2019)0049),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0036/2019),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - after consulting the European Economic and Social Committee,
 - having regard to the undertaking given by the Council representative by letter of 20 February 2019 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 154 of its Rules of Procedure,
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(2019)0010

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/498.)

Wednesday 13 March 2019

P8_TA(2019)0185

Certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (COM(2019)0088 — C8-0046/2019 — 2019/0040(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/72)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2019)0088),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0046/2019),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - After consulting the European Economic and Social Committee,
 - After consulting the Committee of Regions,
 - having regard to Rules 59 and 154 of its Rules of Procedure,
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(2019)0040

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on certain aspects of railway safety and connectivity with regard to the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/503.)

Wednesday 13 March 2019

P8_TA(2019)0189

European Cybersecurity Industrial, Technology and Research Competence Centre and Network of National Coordination Centres ***I

Amendments adopted by the European Parliament on 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (COM(2018)0630 — C8-0404/2018 — 2018/0328(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2021/C 23/73)

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

- (1) Our daily lives and economies **become** increasingly dependent on digital technologies, citizens **become** more and more exposed to serious cyber incidents. Future security depends, among others, on enhancing technological and industrial ability to protect the Union against cyber threats, as both **civilian** infrastructure and **military** capacities rely on secure digital systems.

Amendment

- (1) **More than 80 % of the population of the Union is connected to the internet and** our daily lives and economies **are becoming** increasingly dependent on digital technologies, **with** citizens **becoming** more and more exposed to serious cyber incidents. Future security depends, among others, on **contributing to overall resilience, on** enhancing technological and industrial ability to protect the Union against **constantly evolving** cyber threats, as both infrastructure and **security** capacities rely on secure digital systems. **Such security can be achieved by raising the awareness for cybersecurity threats, by developing competences, capacities, capabilities throughout the Union, thoroughly taking into account the interplay of hardware and software infrastructure, networks, products and processes, and the societal and ethical implications and concerns.**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committees responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0084/2019).

Wednesday 13 March 2019

Amendment 2
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) *Cybercrime is a fast growing threat to the Union, its citizens and its economy. In 2017, 80 % of the European companies experienced at least one cyber incident. The Wannacry-attack in May 2017 affected more than 150 countries and 230 000 IT-systems and had significant impacts on critical infrastructures, such as hospitals. This underlines the necessity for the highest cybersecurity standards and holistic cybersecurity solutions, involving people, products, processes and technology in the Union, as well as for the Union's leadership in the matter, and for digital autonomy.*

Amendment 3
Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

- | | |
|--|---|
| <p>(4) The Heads of State and Government at the Tallinn Digital Summit, in September 2017, called for the Union to become 'a global leader in cyber-security by 2025, in order to ensure trust, confidence and protection of our citizens, consumers and enterprises online and to enable a free and law-governed internet.'</p> | <p>(4) The Heads of State and Government at the Tallinn Digital Summit, in September 2017, called for the Union to become a global leader in cybersecurity by 2025, in order to ensure trust, confidence and protection of our citizens, consumers and enterprises online and to enable a free, safer and law-governed internet, and declared to 'make more use of open source solutions and/or open standards when (re)building ICT systems and solutions (among else, to avoid vendor lock-ins), including those developed and/or promoted by EU programmes for interoperability and standardisation, such as ISA?'</p> |
|--|---|

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Amendment 4
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) *The European Cybersecurity Industrial, Technology and Research Competence Centre (the ‘Competence Centre’) should help to increase the resilience and reliability of the infrastructure of network and information systems, including the internet and other critical infrastructure for the functioning of society such as transport, health, and banking systems.*

Amendment 5
Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) *The Competence Centre and its actions should take into account the implementation of Regulation (EU) 2019/XXX [recast of Regulation (EC) No 428/2009 as proposed by COM(2016)0616] ^(1a).*

- ^(1a) *Regulation (EU) 2019/... of the European Parliament and of the Council of ... setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items (OJ L ..., ..., p. ...).*

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Amendment 6
Proposal for a regulation

Recital 5

Text proposed by the Commission

- (5) Substantial disruption of network and information systems can affect individual Member States and the Union as a whole. The security of network and information systems is therefore essential for **the smooth functioning of the internal market**. At the moment, the Union depends on non-European cybersecurity providers. However, it is in the Union's strategic interest to ensure that it retains and develops essential cybersecurity technological capacities to secure **its Digital Single Market, and in particular to protect** critical networks and information systems and to provide key cybersecurity services.

Amendment

- (5) Substantial disruption of network and information systems can affect individual Member States and the Union as a whole. The **highest level of** security of network and information systems **throughout the Union** is therefore essential for **society and economy alike**. At the moment, the Union depends on non-European cybersecurity providers. However, it is in the Union's strategic interest to ensure that it retains and develops essential cybersecurity technological capacities **and capabilities** to secure **the protection of data and** critical networks and information systems **of European citizens and companies, including critical infrastructures for the functioning of society such as transport systems, health systems and banking, and the Digital Single Market,** and to provide key cybersecurity services.

Amendment 7
Proposal for a regulation

Recital 6

Text proposed by the Commission

- (6) A wealth of expertise and experience in cybersecurity research, technology and industrial development exists in the Union but the efforts of industrial and research communities are fragmented, lacking alignment and a common mission, which hinders competitiveness in this domain. These efforts and expertise need to be pooled, networked and used in an efficient manner to reinforce and complement existing research, technology and industrial capacities at Union and national levels.

Amendment

- (6) A wealth of expertise and experience in cybersecurity research, technology and industrial development exists in the Union but the efforts of industrial and research communities are fragmented, lacking alignment and a common mission, which hinders competitiveness **and effective protection of critical data, networks and systems** in this domain. These efforts and expertise need to be pooled, networked and used in an efficient manner to reinforce and complement existing research, technology, **skills** and industrial capacities at Union and national levels. **Whereas Information and Communication Technology (ICT) sector faces important challenges, such as fulfilling its demand for skilled workers, it can benefit from representing the diversity of society at large, and from achieving a balanced representation of genders, ethnic diversity, and non-discrimination against disabled persons, as well as from facilitating the access to knowledge and training for future cybersecurity experts, including their education in non-formal contexts, for example in Free and Open Source Software projects, civic tech projects, start-ups and microenterprises.**

Wednesday 13 March 2019

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

Text proposed by the Commission

Amendment

- (6a) *Small and medium-sized enterprises (SMEs) are crucial actors in the Union's cybersecurity sector, which can provide cutting-edge solutions due to their agility. SMEs that are not specialised in cybersecurity are, however, also prone to be more vulnerable to cyber incidents due to high investment and knowledge requirements to establish effective cybersecurity solutions. It is therefore necessary that the Competence Centre and the Cybersecurity Competence Network (the 'Network') provide special support for SMEs by facilitating their access to knowledge and training in order to allow them to secure themselves sufficiently and to allow those who are active in cybersecurity to contribute to the Union's leadership in the field.*

Amendment 9
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

- (6b) *Expertise exists beyond industrial and research contexts. Non-commercial and pre-commercial projects, referred to as 'civic tech' projects, make use of open standards, Open Data, and Free and Open Source Software, in the interest of society and the public good. They contribute to the resilience, awareness and development of competence in cybersecurity matters and play an important role in building capacities for industry and research in the field.*

Wednesday 13 March 2019

Amendment 10
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

- (6c) *The term ‘stakeholders’, when used in the context of this Regulation, refers to, inter alia, industry, public entities and other entities which deal with operational and technical matters in the area of cybersecurity, as well as to civil society, inter alia trade unions, consumer associations, the Free and Open Source Software community, and the academic and research community.*

Amendment 11
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

- (8) The Competence Centre should be the Union’s main instrument to pool investment in cybersecurity research, technology and industrial development and to implement relevant projects and initiatives together with the **Cybersecurity Competence** Network. It should deliver cybersecurity-related financial support from the Horizon Europe and Digital Europe programmes, and should be open to the European Regional Development Fund and other programmes where appropriate. This approach should contribute to creating synergies and coordinating financial support related to cybersecurity research, innovation, technology and industrial development and avoiding duplication.

- (8) The Competence Centre should be the Union’s main instrument to pool investment in cybersecurity research, technology and industrial development and to implement relevant projects and initiatives together with the Network. It should deliver cybersecurity-related financial support from the Horizon Europe and Digital Europe programmes, **as well as from the European Defence Fund for actions and administrative costs related to defence**, and should be open to the European Regional Development Fund and other programmes where appropriate. This approach should contribute to creating synergies and coordinating financial support related to **Union initiatives in the field of** cybersecurity research **and development**, innovation, technology and industrial development and avoiding duplication.

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Amendment 12
Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *'Security by design' as a principle established in Commission Joint Communication of 13 September 2017 entitled 'Resilience, Deterrence and Defence: Building strong cybersecurity for the EU' includes state-of-the-art methods by which to increase security, at all stages of the lifecycle of a product or service, starting with secure design and development methods, reducing the attack surface, and incorporating adequate security testing and security audits. For the duration of operation and maintenance, producers or providers need to make available updates remedying new vulnerabilities or threats without delay, for the estimated lifetime of a product and beyond. This can also be achieved by enabling third parties to create and provide such updates. The provision of updates is especially necessary in the case of commonly used infrastructures, products and processes.*

Amendment 13
Proposal for a regulation
Recital 8 b (new)

Text proposed by the Commission

Amendment

- (8b) *In view of the extent of the cybersecurity challenge and in view of the investments made in cybersecurity capacities and capabilities in other parts of the world, the Union and its Member States should step up their financial support to research, development and deployment in this area. In order to realise economies of scale and achieve a comparable level of protection across the union, the Member States should put their efforts into a European framework by investing through the Competence Centre mechanism where relevant.*

Wednesday 13 March 2019

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

Text proposed by the Commission

Amendment

- (8c) *The Competence Centre and the Cybersecurity Competence Community should, in order to foster the Union's competitiveness and the highest cybersecurity standards internationally, seek the exchange on cybersecurity products and processes, standards and technical standards with the international community. Technical standards include the creation of reference implementations, published under open standard licences. The secure design of, in particular, reference implementations is crucial for the overall reliability and resilience of commonly used network and information system infrastructure like the internet and critical infrastructures.*

Amendment 15
Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

- (9) Taking into account that the objectives of this initiative can be best achieved if all Member States or as many Member States as possible **participate**, and as an incentive for Member States to take part, only Member States who contribute financially to the administrative and operational costs of the Competence Centre should hold voting rights.

- (9) Taking into account that the objectives of this initiative can be best achieved if all Member States or as many Member States as possible **contribute**, and as an incentive for Member States to take part, only Member States who contribute financially to the administrative and operational costs of the Competence Centre should hold voting rights.

Wednesday 13 March 2019

Amendment 16
Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) National Coordination Centres should be selected by Member States. In addition to the necessary administrative capacity, Centres should either possess or have direct access to cybersecurity technological expertise in cybersecurity, notably in domains such as cryptography, ICT security services, intrusion detection, system security, network security, software and application security, or human **and** societal aspects of security and privacy. They should also have the capacity to effectively engage and coordinate with the industry, the public sector, including authorities designated pursuant to the Directive (EU) 2016/1148 of the European Parliament and of the Council⁽²³⁾, and the research community.

⁽²³⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Amendment

(12) National Coordination Centres should be selected by Member States. In addition to the necessary administrative capacity, Centres should either possess or have direct access to cybersecurity technological expertise in cybersecurity, notably in domains such as cryptography, ICT security services, intrusion detection, system security, network security, software and application security, or human, **ethical**, societal **and environmental** aspects of security and privacy. They should also have the capacity to effectively engage and coordinate with the industry, the public sector, including authorities designated pursuant to the Directive (EU) 2016/1148 of the European Parliament and of the Council⁽²³⁾, and the research community **in order to establish a continuous public-private dialogue on cybersecurity. In addition, awareness should be raised among the general public about cybersecurity through appropriate means of communication.**

⁽²³⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Wednesday 13 March 2019

Amendment 17
Proposal for a regulation

Recital 14

Text proposed by the Commission

- (14) Emerging technologies such as artificial intelligence, Internet of Things, high-performance computing (HPC) and quantum computing, **blockchain and** concepts such as secure digital identities create at the same time new challenges for cybersecurity as well as offer **solutions**. Assessing and validating the robustness of existing or future ICT systems will require testing security **solutions** against attacks run on HPC and quantum machines. The Competence Centre, the Network and the Cybersecurity Competence Community should help advance and disseminate the latest cybersecurity **solutions**. **At the same time the Competence** Centre and the Network should be at the service of developers and operators in critical sectors such as transport, energy, health, financial, government, telecom, manufacturing, defence, and space to help them solve their cybersecurity challenges.

Amendment

- (14) Emerging technologies such as artificial intelligence, Internet of Things, high-performance computing (HPC) and quantum computing, **as well as** concepts such as secure digital identities create at the same time new challenges for cybersecurity as well as offer **products and processes**. Assessing and validating the robustness of existing or future ICT systems will require testing security **products and processes** against attacks run on HPC and quantum machines. The Competence Centre, the Network, **the European Digital Innovation Hubs** and the Cybersecurity Competence Community should help advance and disseminate the latest cybersecurity **products and processes, including dual use, in particular those that help organisations to be in a constant state of building capacity, resilience and appropriate governance**. **The Competence** Centre and the Network **should stimulate the whole innovation cycle and contribute to bridging the valley of death of innovation of cybersecurity technologies and services**. **At the same time the Competence Centre, the Network and the Community** should be at the service of developers and operators in critical sectors such as transport, energy, health, financial, government, telecom, manufacturing, defence, and space to help them solve their cybersecurity challenges, **and research the various motivations of attacks on the integrity of networks and information systems, such as crime, industrial espionage, defamation, and disinformation**.

Amendment 18

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) **Due to the fast changing nature of cyber threats and cybersecurity, the Union needs to be able to adapt fast and continuously to new developments in the field. Hence, the Competence Centre, the Network and the Cybersecurity Competence Community should be flexible enough to ensure the required reactivity. They should facilitate solutions that help entities to be able to constantly build capability to enhance their and the Union's resilience.**

Wednesday 13 March 2019

Amendment 19
Proposal for a regulation
Recital 14 b (new)

Text proposed by the Commission

Amendment

- (14b) *The Competence Centre should have the objectives to establish the Union's leadership and expertise in cybersecurity, and by that guarantee the highest security standards in the Union, ensure the protection of data, information systems, networks and critical infrastructures in the Union, create new high-quality jobs in the area, prevent brain drain from the European cybersecurity experts to third countries, and add European value to the already existing national cybersecurity measures.*

Amendment 20
Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

- (15) The Competence Centre should have several key functions. First, the Competence Centre should facilitate and help coordinate the work of the **European Cybersecurity Competence** Network and nurture the Cybersecurity Competence Community. The Centre should drive the cybersecurity technological agenda and facilitate access to the expertise gathered in the Network and the Cybersecurity Competence Community. Secondly, it should implement relevant parts of Digital Europe and Horizon Europe programmes by allocating grants, typically following a competitive call for proposals. Thirdly, the Competence Centre should facilitate joint investment by the Union, Member States and/or industry.

- (15) The Competence Centre should have several key functions. First, the Competence Centre should facilitate and help coordinate the work of the Network and nurture the Cybersecurity Competence Community. The Centre should drive the cybersecurity technological agenda and **pool, share and** facilitate access to the expertise gathered in the Network and the Cybersecurity Competence Community, **and to cybersecurity infrastructure**. Secondly, it should implement relevant parts of Digital Europe and Horizon Europe programmes by allocating grants, typically following a competitive call for proposals. Thirdly, the Competence Centre should facilitate joint investment by the Union, Member States and/or industry **as well as joint training opportunities and awareness raising programmes in line with the Digital Europe Programme for citizens and businesses to overcome the skill gap. It should pay special attention to the enabling of SMEs in the area of cybersecurity.**

Wednesday 13 March 2019

Amendment 21
Proposal for a regulation
Recital 16

Text proposed by the Commission

- (16) The Competence Centre should stimulate and support the cooperation and coordination of the activities of the Cybersecurity Competence Community, which would involve a large, open, and diverse group of actors involved in cybersecurity technology. That Community should include in particular research entities, supply-side industries, **demand side** industries, and the public sector. The Cybersecurity Competence Community should provide input to the activities and work plan of the Competence Centre and it should also benefit from the community-building activities of the Competence Centre and the Network, but otherwise should not be privileged with regard to calls for proposals or calls for tender.

Amendment

- (16) The Competence Centre should stimulate and support the **long-term strategic** cooperation and coordination of the activities of the Cybersecurity Competence Community, which would involve a large, open, **interdisciplinary** and diverse group of **European** actors involved in cybersecurity technology. That Community should include in particular research entities, **including those working on cybersecurity ethics**, supply-side industries, **demand-side** industries **including SMEs**, and the public sector. The Cybersecurity Competence Community should provide input to the activities and work plan of the Competence Centre and it should also benefit from the community-building activities of the Competence Centre and the Network, but otherwise should not be privileged with regard to calls for proposals or calls for tender.

Amendment 22
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) **The Competence Centre should provide the appropriate support to ENISA in its tasks defined by Directive (EU) 2016/1148 ('NIS Directive') and Regulation (EU) 2019/XXX of the European Parliament and of the Council^(1a) ('Cybersecurity Act'). Therefore, ENISA should provide relevant inputs to the Competence Centre in its task of defining funding priorities.**

- ^(1a) **Regulation (EU) 2019/... of the European Parliament and of the Council of ... on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L ... (2017/0225(COD))).**

Wednesday 13 March 2019

Amendment 23
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) In order to respond to the needs of both demand and supply side industries, the Competence Centre's task to provide cybersecurity knowledge and technical assistance to industries should refer to both ICT products and services and all other industrial and technological products and **solutions** in which cybersecurity is to be embedded.

Amendment

- (17) In order to respond to the needs of **the public sector and** both demand and supply side industries, the Competence Centre's task to provide cybersecurity knowledge and technical assistance to **the public sector and** industries should refer to both ICT products, **processes** and services and all other industrial and technological products and **processes** in which cybersecurity is to be embedded. **In particular, the Competence Centre should facilitate the deployment of dynamic enterprise-level solutions focused on building capabilities of entire organisations, including people, processes and technology, in order to effectively protect the organizations against constantly changing cyber threats.**

Amendment 24
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

- (17a) *[Text proposed by the Commission]*

Amendment

- (17a) **The Competence Centre should contribute to the wide deployment of state-of-the-art cybersecurity products and solutions, in particular those that are internationally recognised.**

Amendment 25
Proposal for a regulation
Recital 18

Text proposed by the Commission

- (18) Whereas the Competence Centre and the Network should strive to achieve synergies between the cybersecurity civilian and defence spheres, projects financed by the Horizon Europe Programme will be implemented in line with Regulation XXX [Horizon Europe Regulation], which provides that research and innovation activities carried out under Horizon Europe shall have a focus on civil applications.

Amendment

- (18) Whereas the Competence Centre and the Network should strive to achieve synergies **and coordination** between the cybersecurity civilian and defence spheres, projects financed by the Horizon Europe Programme will be implemented in line with Regulation XXX [Horizon Europe Regulation], which provides that research and innovation activities carried out under Horizon Europe shall have a focus on civil applications.

Wednesday 13 March 2019

Amendment 26
Proposal for a regulation

Recital 19

Text proposed by the Commission

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- (19) In order to ensure structured and sustainable collaboration, the relation between the Competence Centre and the National Coordination Centres should be based on a contractual agreement.

Amendment

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- (19) In order to ensure structured and sustainable collaboration, the relation between the Competence Centre and the National Coordination Centres should be based on a contractual agreement **that should be harmonised at Union level.**

Amendment 27
Proposal for a regulation

Recital 20

Text proposed by the Commission

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- (20) Appropriate provisions should be made to guarantee the liability and transparency of the Competence Centre.

Amendment

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- (20) Appropriate provisions should be made to guarantee the liability and transparency of the Competence Centre **and those undertakings receiving funding.**

Amendment 28
Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission

Amendment

-
- (20a) **The implementation of deployment projects, in particular those relating to infrastructures and capabilities deployed at European level or in joint procurement, can be divided into different phases of implementation, such as separate tenders for the architecture of hard- and software, their production and their operation and maintenance, whereas companies may only participate in one of the phases each and requiring that the beneficiaries in one or several of those phases meet certain conditions in terms of European ownership or control.**

Wednesday 13 March 2019

Amendment 29
Proposal for a regulation
Recital 20 b (new)

Text proposed by the Commission

Amendment

- (20b) *With ENISA being the dedicated Union cybersecurity agency, the Competence Centre should seek the greatest possible synergies with it and the Governing Board should consult ENISA due to its experience in the field in all matters regarding cybersecurity, in particular on research-related projects.*

Amendment 30
Proposal for a regulation
Recital 20 c (new)

Text proposed by the Commission

Amendment

- (20c) *In the process of the nomination of the representative to the Governing Board, the European Parliament should include details of the mandate, including the obligation to report regularly to the European Parliament, or the committees responsible.*

Wednesday 13 March 2019

Amendment 31
Proposal for a regulation

Recital 21

Text proposed by the Commission

- (21) In view of their respective expertise in cybersecurity, the Joint Research Centre of the Commission as well as the European Network and Information Security Agency (ENISA) should play an active part in the Cybersecurity Competence Community and the Industrial and Scientific Advisory Board.

Amendment

- (21) In view of their respective expertise in cybersecurity **and in order to ensure greatest possible synergies**, the Joint Research Centre of the Commission as well as the European Network and Information Security Agency (ENISA) should play an active part in the Cybersecurity Competence Community and the Industrial and Scientific Advisory Board. **ENISA should continue to fulfil its strategic objectives especially in the field of cybersecurity certification as defined in Regulation (EU) 2019/XXX [Cybersecurity Act] ^(1a) while the Competence Centre should act as an operational body in cybersecurity .**

- ^(1a) **Regulation (EU) 2019/... of the European Parliament and of the Council of ... on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L ... (2017/0225(COD))).**

Amendment 32
Proposal for a regulation

Recital 24

Text proposed by the Commission

- (24) The Governing Board of the Competence Centre, composed of the Member States and the Commission, should define the general direction of the Competence Centre's operations, and ensure that it carries out its tasks in accordance with this Regulation. The Governing Board should be entrusted with the powers necessary to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Competence Centre, adopt the Competence Centre's work plan and multiannual strategic plan reflecting the priorities in achieving the objectives and tasks of the Competence Centre, adopt its rules of procedure, appoint the Executive Director and decide on the extension of the Executive Director's term of office and on the termination thereof.

Amendment

- (24) The Governing Board of the Competence Centre, composed of the Member States and the Commission, should define the general direction of the Competence Centre's operations, and ensure that it carries out its tasks in accordance with this Regulation. The Governing Board should be entrusted with the powers necessary to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Competence Centre, adopt the Competence Centre's work plan and multiannual strategic plan reflecting the priorities in achieving the objectives and tasks of the Competence Centre, adopt its rules of procedure, appoint the Executive Director and decide on the extension of the Executive Director's term of office and on the termination thereof. **In order to benefit from synergies, ENISA should be a permanent observer in the Governing Board and contribute the work of the Competence Centre, including by being consulted on the multi-annual strategic plan and on the work plan and on the list of actions selected for funding.**

Wednesday 13 March 2019

Amendment 33
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24a) *The Governing Board should aim to promote the Competence Centre globally, so as to raise its attractiveness and make it a world-class body for excellence in cybersecurity.*

Amendment 34
Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

- (25) In order for the Competence Centre to function properly and effectively, the Commission and the Member States should ensure that persons to be appointed to the Governing Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective Representatives on the Governing Board in order to ensure continuity in its work.

- (25) In order for the Competence Centre to function properly and effectively, the Commission and the Member States should ensure that persons to be appointed to the Governing Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective Representatives on the Governing Board in order to ensure continuity in its work **and aim to achieve gender balance.**

Amendment 35
Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

- (25a) *The weight of the Commission vote in the decisions of the Governing Board should be in line with the contribution of the Union budget to the Competence Centre, according to the Commission responsibility to ensure proper management of the Union budget in the Union interest, as set in the Treaties.*

Wednesday 13 March 2019

Amendment 36
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The smooth functioning of the Competence Centre requires that its Executive Director be appointed **on** grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for cybersecurity, and that the duties of the Executive Director be carried out with complete independence.

Amendment

(26) The smooth functioning of the Competence Centre requires that its Executive Director be appointed **in a transparent manner on the** grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for cybersecurity, and that the duties of the Executive Director be carried out with complete independence.

Amendment 37
Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The Competence Centre should have an Industrial and Scientific Advisory Board as an advisory body to ensure regular dialogue with the private sector, consumers' organisations and other relevant stakeholders. The Industrial and Scientific Advisory Board should focus on issues relevant to stakeholders and bring them to the attention of the Competence Centre's Governing Board. The composition of the Industrial and Scientific Advisory Board and the tasks assigned to it, such as being consulted regarding the work plan, should ensure sufficient representation of stakeholders in the work of the Competence Centre.

Amendment

(27) The Competence Centre should have an Industrial and Scientific Advisory Board as an advisory body to ensure regular **and appropriately transparent** dialogue with the private sector, consumers' organisations and other relevant stakeholders. **It should also provide the Executive Director and the Governing Board with independent advice on deployment and procurement.** The Industrial and Scientific Advisory Board should focus on issues relevant to stakeholders and bring them to the attention of the Competence Centre's Governing Board. The composition of the Industrial and Scientific Advisory Board and the tasks assigned to it, such as being consulted regarding the work plan, should ensure sufficient representation of stakeholders in the work of the Competence Centre. **A minimum number of seats should be allocated to each category of industry stakeholders, with particular attention paid to the representation of SMEs.**

Wednesday 13 March 2019

Amendment 38
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) The Competence Centre should benefit from the particular expertise and the broad and relevant stakeholders' representation built through the contractual public-private partnership on cybersecurity during the duration of Horizon2020, through its Industrial and Scientific Advisory Board.

Amendment

(28) The Competence Centre **and its activities** should benefit from the particular expertise and the broad and relevant stakeholders' representation built through the contractual public-private partnership on cybersecurity during the duration of Horizon2020, **and the pilot projects under Horizon2020 on the Cybersecurity Competence Network**, through its Industrial and Scientific Advisory Board. **The Competence Centre and Industrial and Scientific Advisory Board should, if appropriate, consider replications of existing structures, for example as working groups.**

Amendment 39
Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) **The Competence Centre and its bodies should make use of the experience and contributions of past and current initiatives, such as the contractual public-private partnership (cPPP) on cybersecurity, the European Cyber Security Organisation (ECSO), and the pilot project and preparatory action on Free and Open Source Software Audits (EU FOSSA).**

Wednesday 13 March 2019

Amendment 40
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) The Competence Centre should have in place rules regarding the prevention **and the management of conflict** of interest. The Competence Centre should also apply the relevant Union provisions concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁽²⁴⁾. Processing of personal data by the Competence Centre will be subject to Regulation (EU) No XXX/2018 of the European Parliament and of the Council. The Competence Centre should comply with the provisions applicable to the Union institutions, and with national legislation regarding the handling of information, in particular sensitive non classified information and EU classified information.

⁽²⁴⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Amendment

(29) The Competence Centre should have in place rules regarding the prevention, **identification and resolution of conflicts** of interest **in respect of its members, bodies and staff, the Governing Board, as well as the Scientific and Industrial Advisory Board, and the Community. Member States should ensure the prevention, identification, and resolution of conflicts of interest in respect of the National Coordination Centres.** The Competence Centre should also apply the relevant Union provisions concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁽²⁴⁾. Processing of personal data by the Competence Centre will be subject to Regulation (EU) No XXX/2018 of the European Parliament and of the Council. The Competence Centre should comply with the provisions applicable to the Union institutions, and with national legislation regarding the handling of information, in particular sensitive non classified information and EU classified information.

⁽²⁴⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Amendment 41
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) The Competence Centre should operate in an open and transparent way providing **all relevant** information in a timely manner as well as promoting its activities, including information and dissemination activities to the wider public. The rules of procedure of the bodies of the Competence Centre should be made publicly available.

Amendment

(31) The Competence Centre should operate in an open and transparent way **comprehensively** providing information in a timely manner as well as promoting its activities, including information and dissemination activities to the wider public. **It should provide the public and any interested parties with a list of the Cybersecurity Competence Community members and should make public the declarations of interest made by them in accordance with Article 42.** The rules of procedure of the bodies of the Competence Centre should be made publicly available .

Wednesday 13 March 2019

Amendment 42
Proposal for a regulation
Recital 31 a (new)

Text proposed by the Commission

Amendment

- (31a) *It is advisable that both the Competence Centre and the National Coordination Centres monitor and follow the international standards as much as possible, in order to encourage development towards global best practices.*

Amendment 43
Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

- (33a) *The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining the elements of contractual agreements between the Competence Centre and National Coordination Centres, and in respect of specifying criteria for assessing and accrediting entities as members of the Cybersecurity Competence Community. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^(1a). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

^(1a) OJ L 123, 12.5.2016, p. 1.

Wednesday 13 March 2019

Amendment 44
Proposal for a regulation
Recital 34

Text proposed by the Commission

- (34) *Since* the objectives of this Regulation, namely retaining and developing Union's cybersecurity technological and industrial capacities, increasing the competitiveness of the Union's cybersecurity industry and turning cybersecurity into a competitive advantage of other Union industries, cannot be sufficiently achieved by the Member States due the fact that existing, limited resources are dispersed as well as due to the scale of the investment necessary, but can rather by reason of avoiding unnecessary duplication of these efforts, helping to achieve critical mass of investment and ensuring that public financing is used in an optimal way be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

- (34) The objectives of this Regulation, namely ***strengthening the Union's competitiveness and capacities in cybersecurity through, and reducing its digital dependence by increasing the uptake of cybersecurity products, processes and services developed within the Union***, retaining and developing Union's cybersecurity technological and industrial capacities, increasing the competitiveness of the Union's cybersecurity industry and turning cybersecurity into a competitive advantage of other Union industries, cannot be sufficiently achieved by the Member States due the fact that existing, limited resources are dispersed as well as due to the scale of the investment necessary, but can rather by reason of avoiding unnecessary duplication of these efforts, helping to achieve critical mass of investment and ensuring that public financing is used in an optimal way be better achieved at Union level. ***In addition, only actions at Union level can ensure the highest level of cybersecurity in all Member States and thus close security gaps existing in some Member States that create security gaps for the whole Union. Hence***, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 45
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

1. This Regulation establishes the European Cybersecurity Industrial, Technology and Research Competence Centre (the 'Competence Centre'), as well as the Network of National Coordination Centres, and lays down rules for the nomination of National Coordination Centres as well as for the establishment of the Cybersecurity Competence Community.

Amendment

1. This Regulation establishes the European Cybersecurity Industrial, Technology and Research Competence Centre (the 'Competence Centre'), as well as the Network of National Coordination Centres (the '**Network**'), and lays down rules for the nomination of National Coordination Centres as well as for the establishment of the Cybersecurity Competence Community (***the 'Community'***). ***The Competence Centre and the Network shall contribute to the overall resilience and awareness in the Union towards cybersecurity threats, thoroughly taking into account societal implications.***

Wednesday 13 March 2019

Amendment 46
Proposal for a regulation
Article 1 — paragraph 3

Text proposed by the Commission

Amendment

3. The seat of the Competence Centre shall be located in [Brussels, Belgium.]

deleted

Amendment 47
Proposal for a regulation
Article 1 — paragraph 4

Text proposed by the Commission

Amendment

4. The Competence Centre shall have legal personality. In each Member State, it shall enjoy the most extensive legal capacity accorded to legal persons under the laws of that Member State. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

deleted

Amendment 48
Proposal for a regulation
Article 2 — paragraph 1 — point 1

Text proposed by the Commission

Amendment

(1) ‘cybersecurity’ means **the protection of** network and information systems, their users, and **other** persons **against** cyber threats;

(1) ‘cybersecurity’ means **all activities necessary to protect** network and information systems, their users, and **affected** persons **from** cyber threats;

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Amendment 183**Proposal for a regulation****Article 2 — paragraph 1 — point 1 a (new)***Text proposed by the Commission**Amendment*

(1a) *'cyber defence' and 'defence dimensions of cybersecurity' means exclusively defensive and reactive cyber defence technology which aims to protect critical infrastructures, military networks and information systems, their users, and affected persons, against cyber threats including situational awareness, threat detection and digital forensics;*

Amendment 49**Proposal for a regulation****Article 2 — paragraph 1 — point 2***Text proposed by the Commission**Amendment*

(2) *'cybersecurity' products and solutions' means ICT products, services or process with the specific purpose of protecting network and information systems, their users and affected persons from cyber threats;*

(2) *'products and processes' means commercial and non-commercial ICT products, services or processes with the specific purpose of protecting data, network and information systems, their users and other persons from cybersecurity threats;*

Amendment 50**Proposal for a regulation****Article 2 — paragraph 1 — point 2 a (new)***Text proposed by the Commission**Amendment*

(2a) *'cyber threat' means any potential circumstance, event or action that may damage, disrupt or otherwise adversely impact network and information systems, their users and affected persons;*

Wednesday 13 March 2019

Amendment 51

Proposal for a regulation

Article 2 — paragraph 1 — point 3

Text proposed by the Commission

- (3) ‘public authority’ means any government or other public administration, including public advisory bodies, at national, regional or local level or any natural or legal person performing public administrative functions under national law, including specific duties;

Amendment

- (3) ‘public authority’ means any government or other public administration, including public advisory bodies, at national, regional or local level or any natural or legal person performing public administrative functions under **Union and** national law, including specific duties;

Amendment 52

Proposal for a regulation

Article 2 — paragraph 1 — point 4

Text proposed by the Commission

- (4) ‘**participating** Member State’ means a Member State which voluntarily contributes financially to the administrative and operational costs of the Competence Centre.

Amendment

- (4) ‘**contributing** Member State’ means a Member State which voluntarily contributes financially to the administrative and operational costs of the Competence Centre;

Amendment 53

Proposal for a regulation

Article 2 — paragraph 1 — point 4 a (new)

Text proposed by the Commission

Amendment

- (4a) ‘**European Digital Innovation Hubs**’ means a legal entity as defined in Regulation (EU) 2019/XXX of the European Parliament and of the Council ^(1a).

- ^(1a) Regulation (EU) 2019/XXX of the European Parliament and of the Council of ... establishing the Digital Europe programme for the period 2021-2027 (OJ L ...) (2018/0227(COD)).

Wednesday 13 March 2019

Amendment 54**Proposal for a regulation****Article 3 — paragraph 1 — point a**

Text proposed by the Commission

(a) **retain and** develop the cybersecurity technological **and** industrial capacities necessary to secure its Digital Single Market;

Amendment

(a) develop the cybersecurity technological, industrial, **societal, academic and research expertise** capacities **and capabilities** necessary to secure its Digital Single Market **and further the protection of data of Union citizens, companies and public administrations**;

Amendment 55**Proposal for a regulation****Article 3 — paragraph 1 — point a (new)**

Text proposed by the Commission

(a) increase the competitiveness of the Union's cybersecurity industry and turn cybersecurity into competitive advantage of other Union industries.

Amendment

(aa) **increase the resilience and reliability of the infrastructure of network and information systems, including critical infrastructure, the internet and commonly used hardware and software in the Union**;

Amendment 56**Proposal for a regulation****Article 3 — paragraph 1 — point b**

Text proposed by the Commission

(b) increase the competitiveness of the Union's cybersecurity industry and turn cybersecurity into competitive advantage of other Union industries.

Amendment

(b) increase the competitiveness of the Union's cybersecurity industry and turn cybersecurity into **a** competitive advantage of other Union industries.

Wednesday 13 March 2019

Amendment 57

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) raise the awareness for cybersecurity threats, and related societal and ethical implications and concerns and reduce the skills gap in cybersecurity in the Union;

Amendment 58

Proposal for a regulation

Article 3 — paragraph 1 — point b b (new)

Text proposed by the Commission

Amendment

(bb) develop the Union's leadership in cybersecurity and ensure the highest cybersecurity standards throughout the Union;

Amendment 59

Proposal for a regulation

Article 3 — paragraph 1 — point b c (new)

Text proposed by the Commission

Amendment

(bc) strengthen the Union's competitiveness and capacities while reducing its digital dependence by increasing the uptake of cybersecurity products, processes and services developed within the Union;

Wednesday 13 March 2019

Amendment 60**Proposal for a regulation****Article 3 — paragraph 1 — point b d (new)***Text proposed by the Commission**Amendment*

(bd) reinforce the trust of citizens, consumers and businesses in the digital world, and therefore contribute to the goals of the Digital Single Market strategy;

Amendment 61**Proposal for a regulation****Article 4 — paragraph 1 — point 1***Text proposed by the Commission**Amendment*

1. facilitate **and help coordinate the work of** the **National Coordination Centres** Network (**'the Network'**) referred to in Article 6 and the **Cybersecurity Competence** Community referred to in Article 8;

1. **create, manage and** facilitate the Network referred to in Article 6 and the Community referred to in Article 8;

Amendment 62**Proposal for a regulation****Article 4 — paragraph 1 — point 2***Text proposed by the Commission**Amendment*

2. **contribute to** the implementation of the cybersecurity part of the Digital Europe Programme established by Regulation No XXX⁽²⁶⁾ and in particular actions related to Article 6 of Regulation (EU) No XXX [Digital Europe Programme] and of the Horizon Europe Programme established by Regulation No XXX⁽²⁷⁾ and in particular Section 2.2.6 of Pillar II of Annex I. of Decision No XXX on establishing the specific programme implementing Horizon Europe — the Framework Programme for Research and Innovation[ref. number of the Specific Programme]. and of other Union programmes when provided for in legal acts of the Union];

2. **coordinate** the implementation of the cybersecurity part of the Digital Europe Programme established by Regulation No XXX⁽²⁶⁾ and in particular actions related to Article 6 of Regulation (EU) No XXX [Digital Europe Programme] and of the Horizon Europe Programme established by Regulation No XXX⁽²⁷⁾ and in particular Section 2.2.6 of Pillar II of Annex I. of Decision No XXX on establishing the specific programme implementing Horizon Europe — the Framework Programme for Research and Innovation[ref. number of the Specific Programme]. and of other Union programmes when provided for in legal acts of the Union] **and contribute to the implementation of the actions funded by the European Defence Fund established by Regulation (EU) 2019/XXX;**

⁽²⁶⁾ [add full title and OJ reference]

⁽²⁷⁾ [add full title and OJ reference]

⁽²⁶⁾ [add full title and OJ reference]

⁽²⁷⁾ [add full title and OJ reference]

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Amendment 63

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — introductory part

Text proposed by the Commission

3. enhance cybersecurity capabilities, knowledge and infrastructures at the service of industries, the public sector and research communities, by carrying out the following tasks:

Amendment

3. enhance cybersecurity **resilience, capacities**, capabilities, knowledge and infrastructures at the service of **society**, industries, the public sector and research communities, by carrying out the following tasks, **having regard to the state-of-the-art cybersecurity industrial and research infrastructures and related services**:

Amendment 64

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — point a

Text proposed by the Commission

- (a) **having regard to the state-of-the-art cybersecurity industrial and research infrastructures and related services**, acquiring, upgrading, operating and making available **such infrastructures** and related services to a wide range of users across the Union from industry **including** SMEs, the public sector and the research and scientific community;

Amendment

- (a) acquiring, upgrading, operating and making available **the Competence Centre's facilities** and related services **in a fair, open and transparent way** to a wide range of users across the Union from industry **in particular** SMEs, the public sector and the research and scientific community;

Amendment 65

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — point b

Text proposed by the Commission

- (b) **having regard to the state-of-the-art cybersecurity industrial and research infrastructures and related services**, providing support to other entities, including financially, to acquiring, upgrading, operating and making available **such infrastructures** and related services to a wide range of users across the Union from industry **including** SMEs, the public sector and the research and scientific community;

Amendment

- (b) providing support to other entities, including financially, to acquiring, upgrading, operating and making available **such facilities** and related services to a wide range of users across the Union from industry, **in particular** SMEs, the public sector and the research and scientific community;

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Amendment 66**Proposal for a regulation****Article 4 — paragraph 1 — point 3 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) providing financial support and technical assistance to cybersecurity start-ups, SMEs, microenterprises, associations, individual experts and to civic tech projects;

Amendment 67**Proposal for a regulation****Article 4 — paragraph 1 — point 3 — point b b (new)**

Text proposed by the Commission

Amendment

(bb) financing software security code audits and related improvements for Free and Open Source Software projects, commonly used for infrastructure, products and processes;

Amendment 68**Proposal for a regulation****Article 4 — paragraph 1 — point 3 — point c**

Text proposed by the Commission

Amendment

(c) **providing** cybersecurity knowledge and technical assistance **to** industry and public authorities, in particular by supporting actions aimed at facilitating access to the expertise available in the Network and the Cybersecurity Competence Community;

(c) **facilitating the sharing of** cybersecurity knowledge and technical assistance **among others to civil society, the industry and public authorities, and the academic and research community**, in particular by supporting actions aimed at facilitating access to the expertise available in the Network and the Cybersecurity Competence Community **with the aim of improving cyber resilience within the Union;**

Wednesday 13 March 2019

Amendment 69

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — point c a (new)

Text proposed by the Commission

Amendment

- (ca) *promoting ‘security by design’ as principle in the process of developing, maintaining, operating, and updating infrastructures, products and services, in particular by supporting state-of-the-art secure development methods, adequate security testing, security audits, and including the commitment of producer or provider to make available updates remedying new vulnerabilities or threats, without delay, and beyond the estimated product lifetime, or enabling a third party to create and provide such updates;*

Amendment 70

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — point c b (new)

Text proposed by the Commission

Amendment

- (cb) *assisting source code contribution policies and their development, in particular for public authorities where Free and Open Source Software projects are used;*

Amendment 71

Proposal for a regulation

Article 4 — paragraph 1 — point 3 — point c c (new)

Text proposed by the Commission

Amendment

- (cc) *bringing together stakeholders from industry, trade unions, academia, research organisations and public entities to ensure long-term cooperation on developing and implementing cybersecurity products and processes, including pooling and sharing of resources and information regarding such products and processes if appropriate;*

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Amendment 72**Proposal for a regulation****Article 4 — paragraph 1 — point 4 — introductory part**

Text proposed by the Commission

4. contribute to the wide deployment of state-of-the-art cyber security products and **solutions** across the **economy**, by carrying out the following tasks:

Amendment

4. contribute to the wide deployment of state-of-the-art **and sustainable** cyber security products and **processes** across the **Union**, by carrying out the following tasks:

Amendment 73**Proposal for a regulation****Article 4 — paragraph 1 — point 4 — point a**

Text proposed by the Commission

(a) stimulating cybersecurity research, development and the uptake of Union cybersecurity products and **solutions by** public authorities **and user industries**;

Amendment

(a) stimulating cybersecurity research, development and the uptake of Union cybersecurity products and **holistic processes throughout the entire innovation cycle, by, inter alia**, public authorities, **the industry and the market**;

Amendment 74**Proposal for a regulation****Article 4 — paragraph 1 — point 4 — point b**

Text proposed by the Commission

(b) assisting public authorities, demand side industries and other users in adopting and integrating **the latest cyber security solutions**;

Amendment

(b) assisting public authorities, demand side industries and other users in **increasing their resilience by** adopting and integrating **state-of-the-art cybersecurity products and processes**;

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Amendment 75

Proposal for a regulation

Article 4 — paragraph 1 — point 4 — point c

Text proposed by the Commission

(c) supporting in particular public authorities in organising their public procurement, or carrying out procurement of state-of-the-art cybersecurity products and **solutions** on behalf of public authorities;

Amendment

(c) supporting in particular public authorities in organising their public procurement, or carrying out procurement of state-of-the-art cybersecurity products and **processes** on behalf of public authorities, **including by providing support for procurement, to increase the security of and the benefits from public investment;**

Amendment 76

Proposal for a regulation

Article 4 — paragraph 1 — point 4 — point d

Text proposed by the Commission

(d) providing financial support and technical assistance to cybersecurity start-ups and SMEs **to** connect to potential markets and to attract investment;

Amendment

(d) providing financial support and technical assistance to cybersecurity start-ups and SMEs, **micro-enterprises, individual experts, commonly used Free and Open Source Software projects, and civic tech projects, to enhance expertise on cybersecurity,** connect to potential markets and **deployment opportunities, and** to attract investment;

Amendment 77

Proposal for a regulation

Article 4 — paragraph 1 — point 5 — introductory part

Text proposed by the Commission

5. improve the understanding of cybersecurity and contribute to reducing skills gaps in the Union related to cybersecurity by carrying out the following tasks:

Amendment

5. improve the understanding of cybersecurity and contribute to reducing skills gaps **and strengthening the level of skills** in the Union related to cybersecurity by carrying out the following tasks:

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Amendment 78**Proposal for a regulation****Article 4 — paragraph 1 — point 5 — point -a (new)***Text proposed by the Commission**Amendment*

- (-a) **supporting, where appropriate, the achievement of the specific objective 4, Advanced digital skills, of the Digital Europe Programme in cooperation with European Digital Innovation Hubs;**

Amendment 79**Proposal for a regulation****Article 4 — paragraph 1 — point 5 — point a***Text proposed by the Commission**Amendment*

- (a) supporting further development of cybersecurity skills, where appropriate **together** with relevant EU agencies and bodies including ENISA.

- (a) supporting further development, **pooling, and sharing** of cybersecurity skills **and competences at all relevant educational levels, supporting the objective of achieving gender balance, facilitating a common high level of cybersecurity knowledge and contributing to the resilience of users and infrastructures throughout the Union in cooperation with the Network and**, where appropriate, **aligning** with relevant EU agencies and bodies including ENISA;

Amendment 80**Proposal for a regulation****Article 4 — paragraph 1 — point 6 — point a***Text proposed by the Commission**Amendment*

- (a) providing financial support to cybersecurity research efforts based on a common, continuously evaluated and improved multiannual strategic, industrial, technology and research **agenda;**

- (a) providing financial support to cybersecurity research efforts based on a common, continuously evaluated and improved multiannual strategic, industrial, technology and research **plan referred to in Article 13;**

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Amendment 81

Proposal for a regulation

Article 4 — paragraph 1 — point 6 — point b

Text proposed by the Commission

(b) **support** large-scale research and demonstration projects in next generation cybersecurity technological capabilities, in collaboration with the industry **and** the Network;

Amendment

(b) **supporting** large-scale research and demonstration projects in next generation cybersecurity technological capabilities, in collaboration with the industry, **the academic and research community, public sector and authorities, including** the Network **and the Community**;

Amendment 82

Proposal for a regulation

Article 4 — paragraph 1 — point 6 — point b a (new)

Text proposed by the Commission

Amendment

(ba) **ensuring respect for fundamental rights and ethical conduct in cybersecurity research projects supported by the Competence Centre**;

Amendment 83

Proposal for a regulation

Article 4 — paragraph 1 — point 6 — point b b (new)

Text proposed by the Commission

Amendment

(bb) **monitoring reports of vulnerabilities discovered by the Community and facilitating the disclosure of vulnerabilities, the development of patches, fixes and solutions, and the distribution of those**;

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Amendment 84**Proposal for a regulation****Article 4 — paragraph 1 — point 6 — point b c (new)**

Text proposed by the Commission

Amendment

(bc) monitoring research results regarding self-learning algorithms used for malicious cyber activities in collaboration with ENISA and supporting the implementation of Directive (EU) 2016/1148;

Amendment 85**Proposal for a regulation****Article 4 — paragraph 1 — point 6 — point b d (new)**

Text proposed by the Commission

Amendment

(bd) supporting research in the field of cybercrime;

Amendment 86**Proposal for a regulation****Article 4 — paragraph 1 — point 6 — point b e (new)**

Text proposed by the Commission

Amendment

(be) supporting the research and development of products and processes that can be freely studied, shared, and built upon, in particular in the field of verified and verifiable hardware and software, in close cooperation with the industry, the Network and the Community;

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Amendment 87

Proposal for a regulation

Article 4 — paragraph 1 — point 6 — point c

Text proposed by the Commission

(c) support research and innovation for standardisation in cybersecurity technology

Amendment

(c) support research and innovation for **formal and non-formal** standardisation **and certification** in cybersecurity technology, **linking to the existing work and where appropriate in close cooperation with the European Standardisation Organisations, certification bodies and ENISA;**

Amendment 88

Proposal for a regulation

Article 4 — paragraph 1 — point 6 — point c a (new)

Text proposed by the Commission

Amendment

(ca) **provide special support to SMEs by facilitating their access to knowledge and training through tailored access to the deliverables of research and development reinforced by the Competence Centre and the Network in order to increase competitiveness;**

Amendment 184

Proposal for a regulation

Article 4 — paragraph 1 — point 7 — introductory part

Text proposed by the Commission

7. enhance cooperation between the civil and defence spheres with regard to dual use technologies and applications in cybersecurity, by carrying out the following tasks:

Amendment

7. enhance cooperation between the civil and defence spheres with regard to dual use technologies and applications in cybersecurity, by carrying out the following tasks, **which shall be reactive and defensive cyber defence technology, applications and services:**

Wednesday 13 March 2019

Amendment 185**Proposal for a regulation****Article 4 — paragraph 1 — point 8 — introductory part***Text proposed by the Commission*

8. enhance synergies between the civil and defence dimensions of cybersecurity in relation to the European Defence Fund by carrying out the following tasks:

Amendment

8. enhance synergies between the civil and defence dimensions of cybersecurity in relation to the European Defence Fund by carrying out the following tasks, **which shall be reactive and defensive cyber defence technology, applications and services**:

Amendment 89**Proposal for a regulation****Article 4 — paragraph 1 — point 8 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) assisting and providing advice to the Commission with regard to the implementation of Regulation (EU) 2019/XXX [recast of Regulation (EC) No 428/2009 as proposed by COM(2016)0616].

Amendment 90**Proposal for a regulation****Article 4 — paragraph 1 — point 8 a (new)***Text proposed by the Commission**Amendment*

8a. contribute to the Union's efforts to enhance international cooperation with regard to cybersecurity by:

(a) facilitating the participation of the Competence Centre in international conferences and governmental organisations as well as the contribution to international standardisation organisations;

(b) cooperating with third countries and international organisations within relevant international cooperation frameworks.

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Amendment 91
Proposal for a regulation
Article 5 — title

Text proposed by the Commission

Investment in and use of infrastructures, capabilities, products or **solutions**

Amendment

Investment in and use of infrastructures, capabilities, products or **processes**

Amendment 92
Proposal for a regulation
Article 5 — paragraph 1 — introductory part

Text proposed by the Commission

1. Where the Competence Centre provides funding for infrastructures, capabilities, products or **solutions** pursuant to Article 4(3) and (4) in the form of a grant or a prize, the work plan of the Competence Centre may specify in particular:

Amendment

1. Where the Competence Centre provides funding for infrastructures, capabilities, products or **processes** pursuant to Article 4(3) and (4) in the form of a **procurement**, grant or a prize, the work plan of the Competence Centre may specify in particular:

Amendment 93
Proposal for a regulation
Article 5 — paragraph 1 — point a

Text proposed by the Commission

(a) rules governing the operation of an infrastructure or capability, including where relevant entrusting the operation to a hosting entity based on criteria that the Competence Centre shall define;

Amendment

(a) **specific** rules governing the operation of an infrastructure or capability, including where relevant entrusting the operation to a hosting entity based on criteria that the Competence Centre shall define;

Amendment 94
Proposal for a regulation
Article 5 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) **specific rules governing different phases of implementation;**

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Amendment 95**Proposal for a regulation****Article 5 — paragraph 1 — point b b (new)**

Text proposed by the Commission

Amendment

(bb) that as a result of Union contribution, access is as open as possible and as closed as necessary, and re-use is possible.

Amendment 96**Proposal for a regulation****Article 5 — paragraph 2**

Text proposed by the Commission

Amendment

2. The Competence Centre may be responsible for the overall execution of relevant joint procurement actions including pre-commercial procurements on behalf of members of the Network, **members of the cybersecurity Competence Community, or other third parties representing the users of cybersecurity products and solutions.** For this purpose, the Competence Centre may be assisted by one or more National Coordination Centres **or** members of the Cybersecurity Competence Community.

2. The Competence Centre may be responsible for the overall execution of relevant joint procurement actions including pre-commercial procurements on behalf of members of the Network. For this purpose, the Competence Centre may be assisted by one or more National Coordination Centres, members of the Cybersecurity Competence Community **or relevant European Digital Innovation Hubs.**

Amendment 97**Proposal for a regulation****Article 6 — paragraph - 1 (new)**

Text proposed by the Commission

Amendment

-1. A single National Coordination Centre shall be set up in each Member State.

Wednesday 13 March 2019

Amendment 98

Proposal for a regulation

Article 6 — paragraph 4

Text proposed by the Commission

4. The nominated National Coordination Centre shall have the capability to support the Competence Centre and the Network in fulfilling their mission laid out in Article 3 of this Regulation. They shall possess or have direct access to technological expertise in cybersecurity and be in a position to effectively engage and coordinate with industry, the public sector **and the** research community.

Amendment

4. The nominated National Coordination Centre shall have the capability to support the Competence Centre and the Network in fulfilling their mission laid out in Article 3 of this Regulation. They shall possess or have direct access to technological expertise in cybersecurity and be in a position to effectively engage and coordinate with industry, the public sector, **the academic and** research community, **and citizens. The Commission shall issue guidelines further detailing the assessment procedure and explaining the application of the criteria.**

Amendment 99

Proposal for a regulation

Article 6 — paragraph 5

Text proposed by the Commission

5. The relationship between the Competence Centre and the National Coordination Centres shall be based on a contractual agreement signed between the Competence Centre and each of the National Coordination Centres. The agreement shall **provide for** the rules governing the relationship and division of tasks between the Competence Centre and each National Coordination Centre.

Amendment

5. The relationship between the Competence Centre and the National Coordination Centres shall be based on a **standard** contractual agreement signed between the Competence Centre and each of the National Coordination Centres. The agreement shall **consist of the same set of harmonised general conditions providing** the rules governing the relationship and division of tasks between the Competence Centre and each National Coordination Centre **and special conditions tailored to the particular National Coordination Centre.**

Amendment 100

Proposal for a regulation

Article 6 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall adopt delegated acts in accordance with Article 45a in order to supplement this Regulation by establishing the harmonised general conditions of the contractual agreements referred to in paragraph 5 of this Article, including their format.

Wednesday 13 March 2019

Amendment 101**Proposal for a regulation****Article 7 — paragraph 1 — point a**

Text proposed by the Commission

(a) supporting the Competence Centre in achieving its objectives and in particular in coordinating the Cybersecurity Competence Community;

Amendment

(a) supporting the Competence Centre in achieving its objectives and in particular in **establishing and** coordinating the Cybersecurity Competence Community;

Amendment 102**Proposal for a regulation****Article 7 — paragraph 1 — point b**

Text proposed by the Commission

(b) facilitating the participation of industry and other actors at the Member State level in cross-border projects;

Amendment

(b) **promoting, encouraging and** facilitating the participation of **civil society, industry, in particular start-ups and SMEs, academic and research community** and other actors at the Member State level in cross-border projects;

Amendment 103**Proposal for a regulation****Article 7 — paragraph 1 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) **in cooperation with other entities with similar tasks, operating as a one-stop-shop for cybersecurity products and processes financed through other Union programmes like InvestEU or the Single Market Programme, in particular for SMEs;**

Wednesday 13 March 2019

Amendment 104

Proposal for a regulation

Article 7 — paragraph 1 — point c

Text proposed by the Commission

(c) contributing, together with the Competence Centre, to identifying and addressing sector-specific cyber security **industrial** challenges;

Amendment

(c) contributing, together with the Competence Centre, to identifying and addressing sector-specific cyber security challenges;

Amendment 105

Proposal for a regulation

Article 7 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

(ca) ***cooperating closely with National Standardisation Organisations to promote the uptake of existing standards and to involve all relevant stakeholders, particularly SMEs, in setting new standards;***

Amendment 106

Proposal for a regulation

Article 7 — paragraph 1 — point e

Text proposed by the Commission

(e) seeking to establish synergies with relevant activities at the national **and** regional level;

Amendment

(e) seeking to establish synergies with relevant activities at the national, regional **and local** level;

Amendment 107

Proposal for a regulation

Article 7 — paragraph 1 — point f a (new)

Text proposed by the Commission

Amendment

(fa) ***promoting and disseminating a common minimal cybersecurity educational curricula in cooperation with the relevant bodies in the Member States;***

Wednesday 13 March 2019

Amendment 108**Proposal for a regulation****Article 7 — paragraph 1 — point g***Text proposed by the Commission*

(g) promoting and disseminating the relevant outcomes of the work by the Network, the Cybersecurity Competence Community and the Competence Centre at national **or** regional level;

Amendment

(g) promoting and disseminating the relevant outcomes of the work by the Network, the Cybersecurity Competence Community and the Competence Centre at national, regional **or local** level;

Amendment 109**Proposal for a regulation****Article 7 — paragraph 1 — point h***Text proposed by the Commission*

(h) assessing requests by entities established in the same Member State as the Coordination Centre for becoming part of the Cybersecurity Competence Community.

Amendment

(h) assessing requests by entities **and individuals** established in the same Member State as the Coordination Centre for becoming part of the Cybersecurity Competence Community.

Amendment 110**Proposal for a regulation****Article 7 — paragraph 4***Text proposed by the Commission*

4. National Coordination Centres shall, where relevant, cooperate through the Network for the purpose of implementing tasks referred to in **points (a), (b), (c), (e) and (g)** of paragraph 1.

Amendment

4. National Coordination Centres shall, where relevant, cooperate through the Network **and with the relevant European Digital Innovation Hubs** for the purpose of implementing tasks referred to in paragraph 1.

Wednesday 13 March 2019

Amendment 111

Proposal for a regulation

Article 8 — paragraph 1

Text proposed by the Commission

1. The Cybersecurity Competence Community **shall contribute** to the mission of the Competence Centre as laid down in Article 3 and **enhance** and disseminate cybersecurity expertise across the Union.

Amendment

1. The Cybersecurity Competence Community **contributes** to the mission of the Competence Centre as laid down in Article 3 and **enhances, pools, shares,** and disseminate cybersecurity expertise across the Union **and provides technical expertise.**

Amendment 112

Proposal for a regulation

Article 8 — paragraph 2

Text proposed by the Commission

2. The Cybersecurity Competence Community shall consist of industry, academic and **non-profit** research organisations, and associations as well as public entities and other entities dealing with operational and technical matters. It shall bring together the main stakeholders with regard to cybersecurity technological **and** industrial capacities in the Union. **It** shall involve National Coordination Centres as well as Union institutions and bodies with relevant expertise..

Amendment

2. The Cybersecurity Competence Community shall consist of **civil society,** industry **from the demand and supply-side,** **including SMEs,** academic and research **community, associations of users, individual experts, relevant European Standardisation** Organisations, and **other** associations as well as public entities and other entities dealing with operational and technical matters **in the area of cybersecurity.** It shall bring together the main stakeholders with regard to cybersecurity technological, industrial, **academic and research, and societal** capacities **and capabilities** in the Union. **and** shall involve National Coordination Centres, **European Digital Innovation Hubs** as well as Union institutions and bodies with relevant expertise **as referred to in Article 10 of this Regulation.**

Wednesday 13 March 2019

Amendment 113**Proposal for a regulation****Article 8 — paragraph 3 — introductory part***Text proposed by the Commission*

3. Only entities which are established within the Union may be accredited as members of the Cybersecurity Competence Community. **They** shall demonstrate that they **have** cybersecurity expertise with regard to at least one of the following domains:

Amendment

3. Only entities which are established **and individuals resident** within the Union, **the European Economic Area (EEA) or the European Free Trade Association (EFTA)** may be accredited as members of the Cybersecurity Competence Community. **Applicants** shall demonstrate that they **can provide** cybersecurity expertise with regard to at least one of the following domains:

Amendment 114**Proposal for a regulation****Article 8 — paragraph 3 — point a***Text proposed by the Commission*

(a) research;

Amendment

(a) **academia or** research;

Amendment 115**Proposal for a regulation****Article 8 — paragraph 3 — point c a (new)***Text proposed by the Commission*

(ca) **ethics;**

Amendment

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Amendment 116**Proposal for a regulation****Article 8 — paragraph 3 — point c b (new)**

Text proposed by the Commission

Amendment

(cb) formal and technical standardisation and specifications.**Amendment 117****Proposal for a regulation****Article 8 — paragraph 4**

Text proposed by the Commission

Amendment

4. The Competence Centre shall accredit entities established under national law as members of the Cybersecurity Competence Community after **an** assessment made by the National Coordination Centre of the Member State where the entity is established, on whether that entity meets the criteria provided for in paragraph 3. An accreditation shall not be limited in time but may be revoked by the Competence Centre at any time if it or the relevant National Coordination Centre considers that the entity does not fulfil the criteria set out in paragraph 3 or it falls under the relevant provisions set out in Article 136 of Regulation XXX [new financial regulation].

4. The Competence Centre shall accredit entities established under national law, **or individuals**, as members of the Cybersecurity Competence Community after **a harmonised** assessment made by **the Competence Centre**, the National Coordination Centre of the Member State where the entity is established, **or the individual is a resident**, on whether that entity meets the criteria provided for in paragraph 3. An accreditation shall not be limited in time but may be revoked by the Competence Centre at any time if it or the relevant National Coordination Centre considers that the entity **or individual** does not fulfil the criteria set out in paragraph 3 or it falls under the relevant provisions set out in Article 136 of Regulation XXX [new financial regulation]. **The National Coordination Centres of the Member States shall aim to achieve a balanced representation of stakeholders in the Community, actively stimulating participation from under-represented categories, especially SMEs, and groups of individuals.**

Amendment 118**Proposal for a regulation****Article 8 — paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. The Commission shall adopt delegated acts in accordance with Article 45a in order to supplement this Regulation by detailing the criteria provided for in paragraph 3 of this Article according to which applicants are selected, and the procedures for assessing and accrediting entities that meet the criteria referred to in paragraph 4 of this Article.

Wednesday 13 March 2019

Amendment 119**Proposal for a regulation****Article 9 — paragraph 1 — point 5 a (new)***Text proposed by the Commission**Amendment*

(5a) support the Competence Centre by reporting and disclosing vulnerabilities, helping to mitigate them and providing advice on how to reduce such vulnerabilities including through certification under the schemes adopted in conformity with Regulation (EU) 2019/XXX [the Cybersecurity Act].

Amendment 120**Proposal for a regulation****Article 10 — paragraph 1***Text proposed by the Commission**Amendment*

1. The Competence Centre shall cooperate with relevant Union institutions, bodies, offices and agencies including **the European Union Agency for Network and Information Security**, the Computer Emergency Response Team (CERT-EU), the European External Action Service, the Joint Research Centre of the Commission, the Research Executive Agency, Innovation and Networks Executive Agency, European Cybercrime Centre at Europol as well as the European Defence Agency.

1. **To ensure coherence and complementarity**, the Competence Centre shall cooperate with relevant Union institutions, bodies, offices and agencies including **ENISA**, the Computer Emergency Response Team (CERT-EU), the European External Action Service, the Joint Research Centre of the Commission, the Research Executive Agency, Innovation and Networks Executive Agency, **relevant European Digital Innovation Hubs**, European Cybercrime Centre at Europol as well as the European Defence Agency **as regards dual-use projects, services and competences**.

Amendment 121**Proposal for a regulation****Article 10 — paragraph 2***Text proposed by the Commission**Amendment*

2. Such cooperation shall take place within the framework of working arrangements. Those arrangements shall be **submitted to the** prior approval of the Commission.

2. Such cooperation shall take place within the framework of working arrangements. Those arrangements shall be **adopted by the Governing Board after** prior approval of the Commission.

Wednesday 13 March 2019

Amendment 122

Proposal for a regulation

Article 12 — paragraph 1

Text proposed by the Commission

1. The Governing Board shall be composed of one representative of each Member State, **and five** representatives of the Commission, on behalf of the Union.

Amendment

1. The Governing Board shall be composed of one representative of each Member State, **one representative nominated by the European Parliament as an observer, and four** representatives of the Commission, on behalf of the Union, **aiming to achieve gender balance among board members and their alternates.**

Amendment 123

Proposal for a regulation

Article 12 — paragraph 3

Text proposed by the Commission

3. Members of the Governing Board and their alternates shall be appointed in light of their knowledge in the field of **technology** as well as of relevant managerial, administrative and budgetary skills. The Commission and the Member States shall make efforts to limit the turnover of their representatives in the Governing Board, in order to ensure continuity of the Board's work. The Commission and the Member States shall aim to achieve a balanced representation between men and women on the Governing Board.

Amendment

3. Members of the Governing Board and their alternates shall be appointed in light of their knowledge in the field of **cybersecurity** as well as of relevant managerial, administrative and budgetary skills. The Commission and the Member States shall make efforts to limit the turnover of their representatives in the Governing Board, in order to ensure continuity of the Board's work. The Commission and the Member States shall aim to achieve a balanced representation between men and women on the Governing Board.

Amendment 124

Proposal for a regulation

Article 12 — paragraph 6

Text proposed by the Commission

6. The **Commission** may invite observers, including representatives of relevant Union bodies, offices and agencies, to take part in the meetings of the Governing Board as appropriate.

Amendment

6. The **Governing Board** may invite observers, including representatives of relevant Union bodies, offices and agencies, **and the members of the Community**, to take part in the meetings of the Governing Board as appropriate.

Wednesday 13 March 2019

Amendment 125
Proposal for a regulation
Article 12 — paragraph 7

Text proposed by the Commission

7. **The European Agency for Network and Information Security** (ENISA) shall be **a** permanent **observer** in the Governing Board.

Amendment

7. ENISA, **and the Industrial and Scientific Advisory Board**, shall be permanent **observers** in the Governing Board, **in an advisory role without voting rights. The Governing Board shall have the utmost regard to the views expressed by the permanent observers.**

Amendment 126
Proposal for a regulation
Article 13 — paragraph 3 — point a

Text proposed by the Commission

(a) adopt a multi-annual strategic plan, containing a statement of the major priorities and planned initiatives of the Competence Centre, including an estimate of financing needs and sources;

Amendment

(a) adopt a multi-annual strategic plan, containing a statement of the major priorities and planned initiatives of the Competence Centre, including an estimate of financing needs and sources, **taking into account advice provided by ENISA;**

Amendment 127
Proposal for a regulation
Article 13 — paragraph 3 — point b

Text proposed by the Commission

(b) adopt the Competence Centre's work plan, annual accounts and balance sheet and annual activity report, on the basis of a proposal from the Executive Director;

Amendment

(b) adopt the Competence Centre's work plan, annual accounts and balance sheet and annual activity report, on the basis of a proposal from the Executive Director, **taking into account advice provided by ENISA;**

Amendment 128
Proposal for a regulation
Article 13 — paragraph 3 — point e

Text proposed by the Commission

(e) adopt the **criteria and** procedures for assessing and accrediting the entities as members of the **Cybersecurity Competence** Community;

Amendment

(e) adopt the procedures for assessing and accrediting the entities as members of the Community;

Wednesday 13 March 2019

Amendment 129

Proposal for a regulation

Article 13 — paragraph 3 — point e a (new)

Text proposed by the Commission

Amendment

(ea) *adopt the working arrangements referred to in Article 10 (2);*

Amendment 130

Proposal for a regulation

Article 13 — paragraph 3 — point g a (new)

Text proposed by the Commission

Amendment

(ga) *adopt transparency rules for the Competence Centre;*

Amendment 131

Proposal for a regulation

Article 13 — paragraph 3 — point i

Text proposed by the Commission

Amendment

(i) establish working groups with members of the **Cybersecurity Competence** Community;

(i) establish working groups with members of the Community, *taking into account advice provided by the permanent observers;*

Amendment 132

Proposal for a regulation

Article 13 — paragraph 3 — point l

Text proposed by the Commission

Amendment

(l) promote the Competence Centre **globally, so as to raise its attractiveness and make it a world-class body for excellence in cybersecurity;**

(l) promote *the cooperation of* the Competence Centre *with global actors;*

Wednesday 13 March 2019

Amendment 133**Proposal for a regulation****Article 13 — paragraph 3 — point r***Text proposed by the Commission*

(r) adopt an anti-fraud strategy that is proportionate to the fraud risks having regard to a cost-benefit analysis of the measures to be implemented;

Amendment

(r) adopt an anti-fraud **and anti-corruption** strategy that is proportionate to the fraud **and corruption** risks having regard to a cost-benefit analysis of the measures to be implemented, **as well as adopt comprehensive protection measures for persons reporting on breaches of Union law in accordance with applicable Union legislation;**

Amendment 134**Proposal for a regulation****Article 13 — paragraph 3 — point s***Text proposed by the Commission*

(s) adopt **the** methodology to calculate the **financial contribution from** Member States;

Amendment

(s) adopt **an extensive definition of financial contributions from Member States and a** methodology to calculate the **amount of** Member States' **voluntary contributions that can be accounted for as financial contributions in accordance with that definition, such a calculation being executed at the end of every financial year;**

Amendment 135**Proposal for a regulation****Article 14 — paragraph 1***Text proposed by the Commission*

1. The Governing Board shall elect a Chairperson and a Deputy Chairperson from among the members with voting rights, for a period of two years. The mandate of the Chairperson and the Deputy Chairperson may be extended once, following a decision by the Governing Board. If, however, their membership of the Governing Board ends at any time during their term of office, their term of office shall automatically expire on that date. The Deputy Chairperson shall ex officio replace the Chairperson if the latter is unable to attend to his or her duties. The Chairperson shall take part in the voting.

Amendment

1. The Governing Board shall elect a Chairperson and a Deputy Chairperson from among the members with voting rights, for a period of two years, **aiming to achieve gender balance.** The mandate of the Chairperson and the Deputy Chairperson may be extended once, following a decision by the Governing Board. If, however, their membership of the Governing Board ends at any time during their term of office, their term of office shall automatically expire on that date. The Deputy Chairperson shall ex officio replace the Chairperson if the latter is unable to attend to his or her duties. The Chairperson shall take part in the voting.

Wednesday 13 March 2019

Amendment 136

Proposal for a regulation

Article 14 — paragraph 3

Text proposed by the Commission

3. The Executive Director shall take part in the deliberations, unless decided otherwise by the Governing Board, but shall have no voting rights. **The Governing Board may invite, on a case-by-case basis, other persons to attend its meetings as observers.**

Amendment

3. The Executive Director shall take part in the deliberations, unless decided otherwise by the Governing Board, but shall have no voting rights.

Amendment 137

Proposal for a regulation

Article 14 — paragraph 4

Text proposed by the Commission

4. Members of the Industrial and Scientific Advisory Board may take part, upon invitation from the Chairperson, in the meetings of the Governing Board, without voting rights.

Amendment

deleted

Amendment 138

Proposal for a regulation

Article 15

Text proposed by the Commission

Article 15

Amendment

deleted

Voting rules of the Governing Board

1. The Union shall hold 50 % of the voting rights. The voting rights of the Union shall be indivisible.

2. Every participating Member State shall hold one vote.

3. The Governing Board shall take its decisions by a majority of at least 75 % of all votes, including the votes of the members who are absent, representing at least 75 % of the total financial contributions to the Competence Centre. The financial contribution will be calculated based on the estimated expenditures proposed by the Member States referred to in point c of Article 17(2) and based on the report on the value of the contributions of the participating Member States referred to in Article 22(5).

Wednesday 13 March 2019

Text proposed by the Commission

Amendment

4. Only the representatives of the Commission and the representatives of the participating Member States shall hold voting rights.

5. The Chairperson shall take part in the voting.

Amendment 139

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Voting rules of the Governing Board

- 1. Decisions subject to vote may concern:**
 - (a) governance and organisation of the Competence Centre and the Network;**
 - (b) allocation of budget for the Competence Centre and the Network;**
 - (c) joint actions by several Member States, possibly complemented by Union budget further to decision allocated in accordance with point (b).**
- 2. The Governing Board shall adopt its decisions on the basis of at least 75 % of the votes of all members. The voting rights of the Union shall be represented by the Commission and shall be indivisible.**
- 3. For decisions under point (a) of paragraph 1, each Member States shall be represented and have the same equal rights of vote. For the remaining votes available up to 100 %, the Union should have at least 50 % of the voting rights corresponding to its financial contribution.**
- 4. For decisions falling under point (b) or (c) of paragraph 1, or any other decision not falling under any other category of paragraph 1, the Union shall hold at least 50 % of the voting rights corresponding to its financial contribution. Only contributing Member States shall have voting rights and they will correspond to its financial contribution.**
- 5. If the Chairperson has been elected from among the representatives of the Member States, the Chairperson shall take part in the voting as a representative of his or her Member State.**

Wednesday 13 March 2019

Amendment 140

Proposal for a regulation

Article 16 — paragraph 3

Text proposed by the Commission

3. The Executive Director shall be appointed by the Governing Board from a list of candidates proposed by the Commission, following an open **and** transparent selection procedure.

Amendment

3. The Executive Director shall be appointed by the Governing Board from a list of candidates proposed by the Commission, **including nominations aiming to achieve gender balance from the Member States**, following an open, transparent **and non-discriminatory** selection procedure.

Amendment 141

Proposal for a regulation

Article 16 — paragraph 5

Text proposed by the Commission

5. The term of office of the Executive Director shall be **four** years. By the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Competence Centre's future tasks and challenges.

Amendment

5. The term of office of the Executive Director shall be **five** years. By the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Competence Centre's future tasks and challenges.

Amendment 142

Proposal for a regulation

Article 16 — paragraph 6

Text proposed by the Commission

6. The Governing Board may, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, extend once the term of office of the Executive Director for no more than **four** years.

Amendment

6. The Governing Board may, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, extend once the term of office of the Executive Director for no more than **five** years.

Wednesday 13 March 2019

Amendment 143**Proposal for a regulation****Article 16 — paragraph 8**

Text proposed by the Commission

8. The Executive Director shall be removed from office only by decision of the Governing Board, acting on a proposal from the Commission.

Amendment

8. The Executive Director shall be removed from office only by decision of the Governing Board, acting on **proposal from its members or on** a proposal from the Commission.

Amendment 144**Proposal for a regulation****Article 17 — paragraph 2 — point c**

Text proposed by the Commission

(c) after consultation with the Governing Board and the Commission, prepare and submit for adoption to the Governing Board the draft multiannual strategic plan and the draft annual work plan of the Competence Centre including the scope of the calls for proposals, calls for expressions of interest and calls for tenders needed to implement the work plan and the corresponding expenditure estimates as proposed by the Member States and the Commission;

Amendment

(c) after consultation with the Governing Board, **the Industrial and Scientific Advisory Board, ENISA**, and the Commission, prepare and submit for adoption to the Governing Board the draft multiannual strategic plan and the draft annual work plan of the Competence Centre including the scope of the calls for proposals, calls for expressions of interest and calls for tenders needed to implement the work plan and the corresponding expenditure estimates as proposed by the Member States and the Commission;

Amendment 145**Proposal for a regulation****Article 17 — paragraph 2 — point h**

Text proposed by the Commission

(h) prepare an action plan following-up on the conclusions of the retrospective evaluations and reporting on progress every two years to the Commission

Amendment

(h) prepare an action plan following-up on the conclusions of the retrospective evaluations and reporting on progress every two years to the Commission **and the European Parliament**;

Wednesday 13 March 2019

Amendment 146

Proposal for a regulation

Article 17 — paragraph 2 — point 1

Text proposed by the Commission

- (l) approve the list of actions selected for funding on the basis of the ranking list established by a panel of independent experts;

Amendment

- (l) **after consulting the Industrial and Scientific Advisory Board and ENISA**, approve the list of actions selected for funding on the basis of the ranking list established by a panel of independent experts;

Amendment 147

Proposal for a regulation

Article 17 — paragraph 2 — point s

Text proposed by the Commission

- (s) prepare an action plan following-up conclusions of internal or external audit reports, as well as investigations by the European Anti-Fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Governing Board;

Amendment

- (s) prepare an action plan following-up conclusions of internal or external audit reports, as well as investigations by the European Anti-Fraud Office (OLAF) and reporting on progress twice a year to the Commission and **the European Parliament and** regularly to the Governing Board;

Amendment 148

Proposal for a regulation

Article 17 — paragraph 2 — point v

Text proposed by the Commission

- (v) ensure effective communication with the Union's institutions;

Amendment

- (v) ensure effective communication with the Union's institutions **and report, upon request, to the European Parliament and to the Council**;

Wednesday 13 March 2019

Amendment 149
Proposal for a regulation
Article 18 — paragraph 1

Text proposed by the Commission

1. The Industrial and Scientific Advisory Board shall consist of no more than **16** members. The members shall be appointed by the Governing Board from among the representatives of the entities of the **Cybersecurity Competence** Community.

Amendment

1. The Industrial and Scientific Advisory Board shall consist of no more than **25** members. The members shall be appointed by the Governing Board from among the representatives of the entities of the **Community, or its individual members. Only representatives of entities which are not controlled by a third country or a third-country entity except from EEA and EFTA countries shall be eligible. The appointment shall be made in accordance with an open, transparent and non-discriminatory procedure. The Board composition shall aim to achieve gender balance, and include a balanced representation of the stakeholder groups from industry, academic community and civil society.**

Amendment 150
Proposal for a regulation
Article 18 — paragraph 2

Text proposed by the Commission

2. Members of the Industrial and Scientific Advisory Board shall have expertise either with regard to cybersecurity research, industrial development, professional services or **the deployment thereof**. The requirements for such expertise shall be further specified by the Governing Board.

Amendment

2. Members of the Industrial and Scientific Advisory Board shall have expertise either with regard to cybersecurity research, industrial development, **offering, implementing, or deploying** professional services or **products**. The requirements for such expertise shall be further specified by the Governing Board.

Amendment 151
Proposal for a regulation
Article 18 — paragraph 5

Text proposed by the Commission

5. Representatives of the Commission and of **the European Network and Information Security Agency may** participate in and support the works of the Industrial and Scientific Advisory Board.

Amendment

5. Representatives of the Commission and of **ENISA shall be invited to** participate in and support the works of the Industrial and Scientific Advisory Board. **The Board may invite additional representatives from the Community in an observer, adviser, or expert capacity as appropriate, on a case-by-case basis.**

Wednesday 13 March 2019

Amendment 152

Proposal for a regulation

Article 19 — paragraph 1

Text proposed by the Commission

1. The Industrial and Scientific Advisory Board shall meet at least **twice** a year.

Amendment

1. The Industrial and Scientific Advisory Board shall meet at least **three times** a year.

Amendment 153

Proposal for a regulation

Article 19 — paragraph 2

Text proposed by the Commission

2. The Industrial and Scientific Advisory Board **may advise** the Governing Board on the establishment of working groups on specific issues relevant to the work of the Competence Centre where necessary under the overall coordination of one or more members of the Industrial and Scientific Advisory Board.

Amendment

2. The Industrial and Scientific Advisory Board **shall provide suggestions to** the Governing Board on the establishment of working groups on specific issues relevant to the work of the Competence Centre, **whenever those issues fall within the tasks and areas of competence outlined in Article 20 and** where necessary under the overall coordination of one or more members of the Industrial and Scientific Advisory Board

Amendment 154

Proposal for a regulation

Article 20 — paragraph 1 — introductory part

Text proposed by the Commission

The Industrial and Scientific Advisory Board shall advise the Competence Centre in respect of the performance of its activities and shall:

Amendment

The Industrial and Scientific Advisory Board shall **regularly** advise the Competence Centre in respect of the performance of its activities and shall:

Wednesday 13 March 2019

Amendment 155**Proposal for a regulation****Article 20 — paragraph 1 — point 1***Text proposed by the Commission*

-
- (1) provide to the Executive Director and the Governing Board strategic advice and input for drafting the work plan and multi-annual strategic plan within the deadlines set by the Governing Board;

Amendment

-
- (1) provide to the Executive Director and the Governing Board strategic advice and input for **deployment by, orientation and operations of the Competence Centre as far as industry and research is concerned, and** drafting the work plan and multi-annual strategic plan within the deadlines set by the Governing Board;

Amendment 156**Proposal for a regulation****Article 20 — paragraph 1 — point 1 a (new)***Text proposed by the Commission*

Amendment

-
- (1a) advise the Governing Board on the establishment of working groups on specific issues relevant to the work of the Competence Centre;**

Amendment 157**Proposal for a regulation****Article 20 — paragraph 1 — point 3***Text proposed by the Commission*

-
- (3) promote and collect feedback on the work plan and multi-annual strategic plan of the Competence Centre.

Amendment

-
- (3) promote and collect feedback on the work plan and multi-annual strategic plan of the Competence Centre **and advise the Governing Board on how to improve the Competence Centre's strategic orientation and operation.**

Wednesday 13 March 2019

Amendment 158

Proposal for a regulation

Article 21 — paragraph 1 — point a

Text proposed by the Commission

(a) **EUR 1 981 668 000** from the Digital Europe Programme, including up to EUR 23 746 000 for administrative costs;

Amendment

(a) **EUR 1 780 954 875 in 2018 prices (EUR 1 998 696 000 in current prices)** from the Digital Europe Programme, including up to **EUR 21 385 465 in 2018 prices** (EUR 23 746 000 **in current prices**) for administrative costs;

Amendment 159

Proposal for a regulation

Article 21 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) an amount from the European Defence Fund for defence-related actions of the Competence Centre, including for all related administrative costs such as costs that the Competence Centre may incur when acting as a project manager for actions carried out under the European Defence Fund.

Amendment 160

Proposal for a regulation

Article 21 — paragraph 2

Text proposed by the Commission

2. The maximum Union contribution shall be paid from the appropriations in the general budget of the Union allocated to [Digital Europe Programme] **and** to the specific programme implementing Horizon Europe, established by Decision XXX.

Amendment

2. The maximum Union contribution shall be paid from the appropriations in the general budget of the Union allocated to [Digital Europe Programme], to the specific programme implementing Horizon Europe, established by Decision XXX, **to the European Defence Fund and to other programmes and projects falling within the scope of the Competence Centre or the Network.**

Wednesday 13 March 2019

Amendment 161**Proposal for a regulation****Article 21 — paragraph 4***Text proposed by the Commission*

4. The Union financial contribution shall not cover the tasks referred to in Article 4(8)(b)

Amendment

4. The Union financial contribution **from Digital Europe Programme and from Horizon Europe Programme** shall not cover the tasks referred to in Article 4(8)(b). **These may be covered by financial contributions from the European Defence Fund.**

Amendment 162**Proposal for a regulation****Article 22 — paragraph 4***Text proposed by the Commission*

4. The Commission may terminate, proportionally reduce or suspend the Union's financial contribution to the Competence Centre if the participating Member States do not contribute, contribute only partially **or contribute late** with regard to the contributions referred to in paragraph 1.

Amendment

4. The Commission may terminate, proportionally reduce or suspend the Union's financial contribution to the Competence Centre if the participating Member States do not contribute, **or** contribute only partially with regard to the contributions referred to in paragraph 1. **The Commission's termination, reduction or suspension of the Union's financial contribution shall be proportionate in amount and time to the reduction, termination or suspension of the Member States' contributions.**

Amendment 163**Proposal for a regulation****Article 23 — paragraph 4 — point a***Text proposed by the Commission*

(a) participating Member States' financial contributions to the administrative costs;

Amendment

(a) **the Union's and** participating Member States' financial contributions to the administrative costs;

Wednesday 13 March 2019

Amendment 164

Proposal for a regulation

Article 23 — paragraph 4 — point b

Text proposed by the Commission

(b) participating Member States' financial contributions to the operational costs;

Amendment

(b) **the Union's and** participating Member States' financial contributions to the operational costs;

Amendment 165

Proposal for a regulation

Article 23 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Competence Centre shall cooperate closely with other Union institutions, agencies, and bodies in order to benefit from synergies and, where appropriate, to reduce administrative costs.

Amendment 166

Proposal for a regulation

Article 30 — paragraph 1

Text proposed by the Commission

1. The Competence Centre shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative sanctions.

Amendment

1. The Competence Centre shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by **regular and** effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative sanctions.

Wednesday 13 March 2019

Amendment 167**Proposal for a regulation****Article 31 — paragraph 7***Text proposed by the Commission*

7. **The staff of** the Competence Centre shall consist of temporary staff and contract staff.

Amendment

7. The Competence Centre **shall aim to achieve gender balance among its staff. The staff** shall consist of temporary staff and contract staff.

Amendment 168**Proposal for a regulation****Article 34 — paragraph 2 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) **Articles 22 [Ownership of results], 23 [Ownership of results] and 30 [Application of the rules on classified information] of Regulation (EU) 2019/XXX [European Defence Fund] shall apply to participation in all defence-related actions by the Competence Centre, when provided for in the work plan, and the grant of non-exclusive licenses may be limited to third parties established or deemed to be established in Members States and controlled by Member States and/or nationals of Member States.**

Amendment 169**Proposal for a regulation****Article 35 — paragraph 1***Text proposed by the Commission**Amendment*

1. The Competence Centre shall carry out its activities with **a high** level of transparency.

1. The Competence Centre shall carry out its activities with **the highest** level of transparency.

Wednesday 13 March 2019

Amendment 170

Proposal for a regulation

Article 35 — paragraph 2

Text proposed by the Commission

2. The Competence Centre shall ensure that the public and any interested parties are **given** appropriate, objective, reliable and easily accessible information, in particular with regard to the results of **its work**. It shall also make public the declarations of interest made in accordance with Article 41.

Amendment

2. The Competence Centre shall ensure that the public and any interested parties are **provided with comprehensive**, appropriate, objective, reliable and easily accessible information **in due time**, in particular with regard to the results of **the work of the Competence Centre, the Network, the Industry and Scientific Advisory Board and the Community**. It shall also make public the declarations of interest made in accordance with Article 42.

Amendment 171

Proposal for a regulation

Article 38 — paragraph 3

Text proposed by the Commission

3. The evaluation referred to in paragraph 2 shall include an assessment of the results achieved by the Competence Centre, having regard to its objectives, mandate and tasks. If the Commission considers that the continuation of the Competence Centre is justified with regard to its assigned objectives, mandate and tasks, it may propose that the duration of the mandate of the Competence Centre set out in Article 46 be extended.

Amendment

3. The evaluation referred to in paragraph 2 shall include an assessment of the results achieved by the Competence Centre, having regard to its objectives, mandate and tasks, **effectiveness, and efficiency**. If the Commission considers that the continuation of the Competence Centre is justified with regard to its assigned objectives, mandate and tasks, it may propose that the duration of the mandate of the Competence Centre set out in Article 46 be extended.

Amendment 172

Proposal for a regulation

Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Legal Personality of the Competence Centre

1. *The Competence Centre shall have legal personality.*
2. *In each Member State, the Competence Centre shall enjoy the most extensive legal capacity accorded to legal persons under the law of that Member State. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings*

Wednesday 13 March 2019

Amendment 173**Proposal for a regulation****Article 42 — paragraph 1***Text proposed by the Commission*

The Competence Centre 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 the provisions intended to avoid a conflict of interest in respect of the representatives of the members serving in the Governing Board as well as the Scientific and Industrial Advisory Board in accordance with Regulation XXX [new Financial Regulation].**

Amendment

The Competence Centre Governing Board shall adopt rules for the prevention, **identification, and resolution** of conflicts of interest in respect of its members, bodies and staff, **including the Executive Director**, the Governing Board, as well as the Scientific and Industrial Advisory Board, **and the Community**.

Amendment 174**Proposal for a regulation****Article 42 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

Member States shall ensure the prevention, identification, and resolution of conflicts of interest in respect of the National Coordination Centres.

Amendment 175**Proposal for a regulation****Article 42 — paragraph 1 b (new)***Text proposed by the Commission**Amendment*

The rules referred to in paragraph 1 shall comply with Regulation (EU, Euratom) 2018/1046.

Amendment 176**Proposal for a regulation****Article 44 — title***Text proposed by the Commission**Amendment*

Support from the host Member State

Seat and support from the host Member State

Wednesday 13 March 2019

Amendment 177

Proposal for a regulation

Article 44 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

The seat of the Competence Centre shall be determined in a democratically accountable procedure, using transparent criteria and in accordance with Union law.

Amendment 178

Proposal for a regulation

Article 44 — paragraph - 1 a (new)

Text proposed by the Commission

Amendment

The host Member State shall provide the best possible conditions to ensure the proper functioning of the Competence Centre, including a single location, and further conditions such as the accessibility of the adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and partners.

Amendment 179

Proposal for a regulation

Article 44 — paragraph 1

Text proposed by the Commission

Amendment

An administrative agreement **may** be concluded between the Competence Centre and the Member State **[Belgium]** in which its seat is located concerning privileges and immunities and other support to be provided by that Member State to the Competence Centre.

An administrative agreement **shall** be concluded between the Competence Centre and the **host** Member State in which its seat is located concerning privileges and immunities and other support to be provided by that Member State to the Competence Centre.

Wednesday 13 March 2019

Amendment 180
Proposal for a regulation
Article 45 a (new)

Text proposed by the Commission

Amendment

Article 45a

Exercise of the delegation

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
 2. *The power to adopt delegated acts referred to in Article 6 (5a) and Article 8(4b) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation].*
 3. *The delegation of power referred to in Article 6(5a) and Article 8(4b) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
 4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*
 5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
 6. *A delegated act adopted pursuant to Article 6(5a) and Article 8(4b) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*
-

Wednesday 13 March 2019

P8_TA(2019)0190

**Amending Regulation (EC) No 391/2009 with regard to the UK's withdrawal from the Union
***I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union (COM(2018)0567 — C8-0384/2018 — 2018/0298(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/74)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0567),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0384/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽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 25 January 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union.
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0004/2019),
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(2018)0298

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EC) No 391/2009 with regard to the withdrawal of the United Kingdom from the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/492.)

⁽¹⁾ OJ C 62, 15.2.2019, p. 298.

Wednesday 13 March 2019

P8_TA(2019)0191

Amending Regulation (EU) No 1316/2013 with regard to the UK's withdrawal from the Union *I****European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union (COM(2018)0568 — C8-0385/2018 — 2018/0299(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/75)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0568),
 - having regard to Article 294(2) and Article 172 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0385/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 October 2018 ⁽²⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union.
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Regional Development (A8-0009/2019),
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(2018)0299**Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 1316/2013 with regard to the withdrawal of the United Kingdom from the Union***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/495.)*

⁽¹⁾ OJ C 62, 15.2.2019, p. 301.

⁽²⁾ OJ C 461, 21.12.2018, p. 173.

Wednesday 13 March 2019

P8_TA(2019)0192

Port reception facilities for the delivery of waste from ships *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018)0033 — C8-0014/2018 — 2018/0012(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/76)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0033),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0014/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 May 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 October 2018 ⁽²⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 December 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 Transport and Tourism and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Fisheries (A8-0326/2018),
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(2018)0012

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/883).

⁽¹⁾ OJ C 283, 10.8.2018, p. 61.

⁽²⁾ OJ C 461, 21.12.2018, p. 220.

Wednesday 13 March 2019

P8_TA(2019)0193

Prolongation of the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code *I**

European Parliament legislative resolution of 13 March 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (COM(2018)0085 — C8-0097/2018 — 2018/0040(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/77)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0085),
 - having regard to Article 294(2) and Articles 33 and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0097/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 February 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0342/2018),
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 statement by the Commission 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;
 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(2018)0040

Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/632.)

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ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement by the European Parliament and the Council

The European Parliament and the Council welcome the European Court of Auditors' Special Report No 26/2018 entitled 'A series of delays in Customs IT systems: what went wrong?' and other recent relevant reports in the area of customs, which have given the co-legislators a better overview of the causes for the delays in the implementation of the IT systems necessary for improving customs operations in the EU.

The European Parliament and the Council consider that any future audit by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays.

The European Parliament and the Council call on the Commission and the Member States to take full account of such audits.

Statement by the Commission

The Commission welcomes the agreement by the European Parliament and the Council on the proposal to prolong the deadline for the transitional use of means other than the electronic data- processing techniques provided for in the Union Customs Code.

The Commission acknowledges the joint statement of the European Parliament and of the Council which notes that any future work by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays.

Should the Court of Auditors decide to assess the Commission's reports, the Commission will, as required by Article 287(3) of the Treaty on the Functioning of the European Union, fully collaborate with the European Court of Auditors and take full account of such findings.

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P8_TA(2019)0194

Combating fraud and counterfeiting of non-cash means of payment *I****European Parliament legislative resolution of 13 March 2019 on the proposal for a directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (COM(2017)0489 — C8-0311/2017 — 2017/0226(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/78)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0489),
 - having regard to Article 294(2) and Article 83(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0311/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the contributions submitted by the Czech Chamber of Deputies, the Czech Senate and the Spanish Parliament on the draft legislative act,
 - having regard to the opinion of the European Economic and Social Committee of 18 January 2018 ⁽¹⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 19 December 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 (A8-0276/2018),
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)0226**Position of the European Parliament adopted at first reading on 13 March 2019 with a view to the adoption of Directive (EU) 2019/... of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2019/713).*

⁽¹⁾ OJ C 197, 8.6.2018, p. 24.

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P8_TA(2019)0206

Jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility, and international child abduction *

European Parliament legislative resolution of 14 March 2019 on the draft Council regulation on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) (15401/2018 — C8-0023/2019 — 2016/0190(CNS))

(Special legislative procedure — renewed consultation)

(2021/C 23/79)

The European Parliament,

- having regard to the Council draft (15401/2018),
 - having regard to the Commission proposal to the Council (COM(2016)0411),
 - having regard to its position of 18 January 2018 ⁽¹⁾,
 - having regard to Article 81(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament again (C8-0023/2019),
 - having regard to Rules 78c and 78e of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0056/2019),
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. Calls on the Council to consult Parliament again if it intends to amend its draft substantially;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Texts adopted, P8_TA(2018)0017.

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P8_TA(2019)0208

Minimum loss coverage for non-performing exposures *I****European Parliament legislative resolution of 14 March 2019 on the proposal for a regulation of the European Parliament and of the Council on amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (COM(2018)0134 — C8-0117/2018 — 2018/0060(COD))****(Ordinary legislative procedure: first reading)**

(2021/C 23/80)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0134),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0117/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 12 July 2018 ⁽¹⁾,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2018 ⁽²⁾,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 7 January 2019 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0440/2018),
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(2018)0060**Position of the European Parliament adopted at first reading on 14 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/630).*⁽¹⁾ OJ C 79, 4.3.2019, p. 1.⁽²⁾ OJ C 367, 10.10.2018, p. 43.

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P8_TA(2019)0209

Safeguarding competition in air transport *I**

European Parliament legislative resolution of 14 March 2019 on the proposal for a regulation of the European Parliament and of the Council on safeguarding competition in air transport, repealing Regulation (EC) No 868/2004 (COM(2017)0289 — C8-0183/2017 — 2017/0116(COD))

(Ordinary legislative procedure: first reading)

(2021/C 23/81)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0289),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0183/2017),
 - 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 17 January 2018 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 12 December 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 Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs (A8-0125/2018),
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)0116

Position of the European Parliament adopted at first reading on 14 March 2019 with a view to the adoption of Regulation (EU) 2019/... of the European Parliament and of the Council on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2019/712).

⁽¹⁾ OJ C 197, 8.6.2018, p. 58.

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P8_TA(2019)0210

Guidelines for the 2020 Budget — Section III**European Parliament resolution of 14 March 2019 on general guidelines for the preparation of the 2020 budget, Section III — Commission (2019/2001(BUD))**

(2021/C 23/82)

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) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁽¹⁾ (hereinafter ‘the Financial 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⁾ (hereinafter ‘the 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⁽³⁾,
 - having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union⁽⁴⁾,
 - having regard to the general budget of the European Union for the financial year 2019⁽⁵⁾ and the joint statements agreed between Parliament, the Council and the Commission annexed thereto,
 - having regard to UN General Assembly Resolution 70/1 of 25 September 2015 entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, which entered into force on 1 January 2016, and to the reflection paper recently presented by the Commission entitled ‘Towards a Sustainable Europe by 2030’,
 - having regard to the Council conclusions of 12 February 2019 on the 2020 budget guidelines (06323/2019),
 - having regard to Rule 86a of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A8-0172/2019),
- A. whereas negotiations on the 2020 Union budget will run in parallel with the negotiations on the next multiannual financial framework (MFF) and the reform of the EU own resources system; whereas 2019 will mark the seventh year of the 2014-2020 MFF;
- B. whereas the Council has repeatedly contradicted itself over the last few years, by presenting new political priorities for the EU but showing itself unwilling to provide for fresh appropriations to finance them; whereas new political priorities and upcoming challenges for the EU should be financed by fresh appropriations and not by reducing the appropriations amount for existing programmes;

⁽¹⁾ OJ L 193, 30.7.2018, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁴⁾ OJ L 168, 7.6.2014, p. 105.

⁽⁵⁾ OJ L 67, 7.3.2019.

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- C. whereas towards the end of the current financial programming period the implementation of the multiannual programmes will require adequate financial resources and therefore anticipating the payments necessary in 2020 to prevent another payment crisis in the first years of the 2021-2027 MFF;

Budget 2020: bridge to the future Europe — Investing in innovation, sustainable development, citizens' protection and security

1. Underlines that the 2020 Union budget is the bridge to the MFF for the period 2021-2027 and should contribute to creating a common, long-term vision on the future political priorities of the Union, and provide European added value; expects, at the time of adoption of the 2020 budget, to be engaged with the Council in fully-fledged MFF negotiations, following a political agreement in the European Council; believes that a strong, responsible and forward-looking 2020 budget will facilitate an agreement and the transition towards the next MFF; intends, therefore, to make full use of the existing flexibility and other provisions set out in the MFF Regulation and the Financial Regulation, in order to reinforce key EU programmes in the 2020 budget, taking due account of the performance-based budgeting approach in the EU budget;

2. Calls for specific agricultural programmes to promote, on the one hand, short supply chains, fair prices for producers, stable and acceptable earnings for farmers and, on the other, a fair redistribution of payments between countries, types of production and producers, eliminating current disparities and benefiting Member States with the largest production shortfalls, as well as small and medium-sized producers;

3. Considers, therefore, that the EU budget for next year should define clear political priorities and enable the Union to create sustainable and inclusive economic growth and jobs, further invest in innovation and research capacities for future solutions, boost competitiveness, ensure a safe, secure and peaceful Europe, strengthen citizens' working and living conditions, enhance economic, social and territorial cohesion, bolster the Union in its fight against environmental challenges and climate change towards meeting its obligations under the Paris Agreement, contribute to the full implementation of the UN Sustainable Development Goals, and deliver on the European Pillar of Social Rights;

4. Points out that, 2020 being the last year of the current MFF, the implementation of EU programmes, and notably those under shared management in cohesion, common agricultural and common fisheries policies, needs to be further accelerated so as to compensate for previous delays and reach the closing phase; expects this to be reflected in a substantial increase in payment requests and anticipates, therefore, a peak in the annual level of payment appropriations for 2020; emphasises Parliament's commitment to securing the necessary payments in 2020 and to preventing another payment crisis in the first years of the 2021-2027 MFF, as happened during the current period; underlines the need to continuously improve the control and correction mechanisms, so as to ensure a proper and speedy implementation of EU programmes;

5. Points to the importance of decentralised agencies in ensuring the implementation of the EU's legislative priorities and thereby accomplishing EU policy objectives, such as those related to competitiveness, sustainable growth, employment, and managing the current migration and refugee flows; expects the negotiations on the 2020 budget to lead to adequate operational and administrative funding for the EU agencies, enabling them to accomplish their growing tasks and deliver the best possible results; reiterates its position that 2018 was the last year of the implementation of the 5 % staff reduction and the so-called 'redeployment pool'; expects the Commission and the Council to refrain from further cutting agencies' resources in the 2020 budget;

Innovation and research for future solutions: supporting sustainable and inclusive economic growth to anticipate change and boost competitiveness

6. Underlines the importance of Europe's claim to leadership in key technologies in areas such as space, healthcare, the environment, agriculture, safety and transportation; highlights the need to ensure that research and innovation activities continue to provide solutions for Europe's needs, challenges and competitiveness, and recalls, in this context, the important role of fundamental research; stresses that the transition from Horizon 2020 to Horizon Europe must be smooth to ensure stability for businesses, research facilities and academia; is alarmed by the substantial underfunding of Horizon 2020 during

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the entire period, resulting in a low success rate for excellent applications; intends, therefore, to secure the largest possible annual allocation for Horizon 2020 in next year's budget, making full use of the existing flexibility provisions of the MFF Regulation and the Financial Regulation; highlights, moreover, the importance of deepening synergies with the European Structural and Investment Funds;

7. Stresses the potential for economic growth stemming from Europe's technological transformation and calls for the EU budget to make the appropriate contribution to supporting the digitalisation of European industry, and the promotion of digital skills and entrepreneurship; underlines the importance of additional investments in digital capabilities, including EU high-performance computing, artificial intelligence and cybersecurity; stresses that the Digital Europe Programme is expected to secure a significantly higher allocation in the 2021-2027 MFF and, therefore, intends to increase funding in this area in next year's budget;

8. Highlights the success of the European Fund for Strategic Investments (EFSI) in triggering additional investments in the EU with the aim of reaching an investment target of at least EUR 500 billion by 2020, following the extension of its duration; points, however, to the recommendations of the European Court of Auditors to further improve its implementation with regard to the additionality of the projects selected; recalls that the EFSI guarantee fund was financed partly through redeployments from Horizon 2020 and the Connecting Europe Facility, and reconfirms its long-standing position that new initiatives must be wholly financed with fresh funding;

9. Is fully convinced that improving fairness and providing equal chances within the European social market economy is a prerequisite for the sustainable development of the Union; intends to secure sufficient funding for programmes such as COSME and Future and Emerging Technologies (FET) that significantly contribute to the success of start-ups and small and medium-sized enterprises (SMEs), which are the backbone of the European economy and key drivers of economic growth, job creation, innovation and social integration; underlines the high level of implementation of these programmes, and points to their capacity to absorb even more;

Safety, security and peace for European citizens

10. Considers that the protection of the EU's external borders and internal security with the support of a strengthened European Border and Coast Guard and Europol, a European Union without internal borders, and the proper functioning of the Schengen area and freedom of movement within the EU, are inextricably linked and mutually beneficial; stresses, at the same time, the importance of robust EU investments in the area of internal security with a view to, among other things, enhancing EU law enforcement and judicial response to cross-border criminal threats and promoting information exchange, with enhanced support for Eurojust and the European Public Prosecutor's Office; considers it an obligation to ensure adequate funding, staffing and staff training for all agencies operating in the field of security, justice and border control as the current level of funding is insufficient in view of the considerable increase in their responsibilities, the importance of cooperation among them, the need for technological innovations and adaptation, and their vital role in reinforcing cooperation and coordination among the Member States;

11. Stresses, in parallel, the humanitarian responsibility of the EU in migration policy and recognises the key role of the European Asylum Support Office and the Fundamental Rights Agency in developing and implementing common asylum practices in Member States; considers it an obligation to ensure adequate funding, staffing and staff training for all agencies operating in the field of migration, asylum and human rights, with adequate financial and human resources for them to properly perform their role;

12. Welcomes the Member States' commitment to a renewed EU defence agenda and their willingness for further European defence cooperation; highlights the importance of launching the European Defence Industrial Development Programme (EDIDP) as a first stage of the European Defence Fund; requests a further increase in the Union's defence budget, to be exclusively financed by fresh appropriations, in order to improve the competitiveness and innovation of the European defence industry;

13. Strongly supports strengthened EU efforts to tackle rising security threats such as radicalisation and violent extremism within Europe and neighbouring countries as well as better coordination of such programmes at EU level;

14. Stresses that cybersecurity is critical to the Union's prosperity and security, as well as to the privacy of its citizens, that cyberattacks, cybercrime and manipulation are threatening open societies, and that economic espionage is hindering the functioning of the digital single market and endangering the competitiveness of European enterprises; requests adequate financial resources to equip all relevant agencies with adequate funds to cover their operational and administrative tasks to

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help secure network and information systems, build strong cyber resilience, and combat cybercrime; supports, in this context, the strategic cooperation between EU Agency for Network and Information Security (ENISA) and Europol;

15. Recalls that peace and stability are core values that are supported by the budget of the European Union and highlights in this regard the significant contribution the Union has made to peace and reconciliation on the island of Ireland, in particular through its support for the Good Friday agreement and funding for PEACE and INTERREG programmes; underlines the importance of maintaining funding for these programmes post-Brexit;

16. Believes, with reference to its resolution of 25 October 2018 on the use of Facebook users' data by Cambridge Analytica and the impact on data protection ⁽¹⁾, that the fight against disinformation, in particular tracking and uncovering disinformation and any other type of foreign interference, is a priority to ensure fair and democratic elections, in particular in the year of the European elections; requests additional financial resources to enhance systematic use of strategic communication tools to enable a strong coordinated EU response; supports the guidelines that the Commission has set out on how existing EU rules should be used to tackle the use of personal data to target citizens on social media during election periods and guarantee the fairness of the electoral process;

17. Is concerned that not enough European citizens have the impression that the European Union works for them and provides them with substantial benefits; requests adequate financial resources for the Commission to invest in tools such as the recent Parliament initiatives 'What Europe does for me' and the 'Citizens' App' to inform citizens about the Union's work and highlight the efforts undertaken to promote peace, democracy, the rule of law and freedom of speech; considers that such tools should be better disseminated at national level;

18. Points out that the common agricultural policy and the common fisheries policy are cornerstones of European integration which aim to ensure safe, high-quality food supply for European citizens, the proper functioning of the agricultural single market, the sustainability of rural regions for many years and the sustainable management of natural resources; recalls that those policies contribute to the viability and stability of the EU; calls on the Commission to continue to support producers across Europe in coping with unexpected market volatility and in securing safe, high-quality food supplies; asks for particular attention to be paid to small-scale agriculture and small fisheries;

Strengthening solidarity and mutual understanding

19. Requests additional financial resources to meet future demand for Erasmus+, the primary programme for education and training, including vocational education and training, youth and sport in Europe, also taking into account its external dimension; underlines that adequate resources are needed to 'democratise' the programme, making its funding accessible to people of all backgrounds and working towards the European Framework for Quality and Effective Apprenticeships as a way to fight against youth unemployment; recalls that Parliament requested that the financial envelope for this programme be tripled in the next MFF; calls for cooperation to be strengthened between education, apprenticeships, culture and research;

20. Recalls that, at a time when the European project is being called into question, it is vital to renew a strong commitment to Europe through culture, knowledge, creation and innovation; believes therefore that the Creative Europe and MEDIA programmes should be supported at an appropriate level;

21. Stresses that the fight against youth unemployment requires substantial additional financial efforts to create opportunities for education, training and employment; underlines, in this respect, the positive impact of the Youth Employment Initiative, which had supported approximately 1,7 million young people by the end of 2017; welcomes the fact that, at the strong request of Parliament, the result of the negotiations on the 2019 budget was to bring the Youth Employment Initiative to a total amount of EUR 350 million in 2019; expects the 2020 budget to demonstrate high ambition for this programme, in order to ensure a smooth transition towards the European Social Fund Plus (ESF+) programme in the next MFF; underlines the need to accelerate the implementation of this programme and to further improve its efficiency, so as to ensure that it brings more European added value to national employment policies;

⁽¹⁾ Texts adopted, P8_TA(2018)0433.

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22. Believes that social cohesion in Europe must contribute to sustainable solutions to the fight against poverty, social exclusion and discrimination, for better inclusion of people with disabilities, and to long-term structural demographic change; emphasises the need for financial resources for relevant EU programmes that help provide ageing populations in Europe with adequate support in terms of access to mobility, healthcare and public services;

23. Recalls the need for solidarity and responsibility-sharing between the Member States in the area of migration and asylum and calls on the Member States to make good use of the Asylum, Migration and Integration Fund (AMIF) through national programmes; requests adequate budgeting for this fund in 2020 in order to support the reception of asylum seekers in the Member States, effective return strategies, resettlement programmes, legal migration policies and promotion of effective integration of third country nationals; considers that the support of cities and municipalities in the European asylum system should be strengthened;

24. Recalls that the long-lasting solution to the current migration phenomenon lies in the political, economic, social and environmental development of the countries from which migration flows originate; calls for the European Neighbourhood Instrument and the Development Cooperation Instrument to be endowed with sufficient financial resources to support this priority and promote the further development of sustainable and mutually beneficial partnerships, e.g. with African countries; within this context, reaffirms the need to provide international organisations, including the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the UN Refugee Agency (UNHCR) and the International Organisation for Migration (IOM), with sufficient and continuous financial support; requests enhanced financial and organisational support for programmes contributing to exchanges between EU and partner countries in areas such as professional training, creation of start-ups, support for SMEs, healthcare, and education, and for policies related to clean water, wastewater treatment and waste disposal;

25. Believes that gender-related discrimination is intolerable and incompatible with the values of the EU; points out that the success rate of applications to the Daphne programme and other funds aimed at fighting violence against women and girls is alarmingly low, and intends to secure increased funding for the programme; furthermore, considers gender mainstreaming to be an effective strategy for achieving gender equality and combating discrimination and calls for a gender equality perspective to be integrated in the relevant EU policies and spending programmes; expects the Commission to present at the earliest possibility a framework for gender-mainstreaming in the Union budget;

26. Reiterates the importance of the European Neighbourhood policy strengthening relations with neighbouring countries, endorsing peace processes, and boosting economic and social growth and sustainable cross-border cooperation; points out that strong relations between the EU and the Western Balkans are vital for the stabilisation of the area and their pre-accession process; recalls that funding from the Union's budget must be tailored to strengthen the ability of the countries to continue the necessary legal, political, social and economic reforms, in particular enhancing the proper functioning of the public administration and supporting the stability and resilience of democratic institutions and the implementation of rule of law;

Tackling environmental challenges and climate change

27. Stresses that the 2020 budget must contribute significantly to tackling environmental challenges and climate change in order to offset the existing backlog and reach the EU's commitments; recalls the Union's pledge to be a frontrunner in the transition to a low-carbon circular and climate-neutral economy, but regrets that the Union is falling short of its climate goals, in particular as regards making 20 % of Union expenditure climate-related in 2014-2020; considers therefore that a significant increase in climate-related spending is essential in order to progress towards the objectives of the Union's climate policy and of the Paris Agreement; believes that climate mainstreaming in all sectors of Union policy should be further promoted and optimised and climate- and sustainability-proofing introduced where applicable; requests increased financial resources for all relevant Union programmes to support projects with European added value contributing to a clean energy transition and resource efficiency, the promotion of a sustainable green and blue economy, and nature conservation, with a focus on biodiversity, habitats and endangered species;

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28. Stresses that, with a view to a coherent and effective approach to tackling climate change, the EU should make ratification and implementation of the Paris Agreement a condition for future trade agreements; recalls in this regard its resolution of 3 July 2018 on climate diplomacy⁽¹⁾ and its call on the Commission for a comprehensive assessment of consistency between existing free trade agreements and the Paris Agreement commitments; considers that if these commitments should not be fulfilled by an EU partner, the Commission could impose a temporary suspension of EU trade liberalisation commitments towards those partners;

Outstanding issues for the 2020 procedure

29. Expects the withdrawal of the United Kingdom from the Union in March 2019 not to have a direct impact on the 2020 budget, as the United Kingdom will contribute to, and participate in, the implementation of the budget; urges the Commission nonetheless to assess and prepare for all possible scenarios to ensure sound financial management of the Union budget and secure a contingency plan, defining clear commitments and outlining mechanisms, and protecting the EU budget in the event that the United Kingdom does not contribute to, or participate in, the implementation of the 2020 EU budget;

30. Recalls that, following the joint statement by Parliament, the Council and the Commission on the reinforcement of Heading 1a through an amending budget issued in the joint conclusions on the 2019 budget, the Commission will present an amending budget raising the levels of appropriations for Erasmus+ and H2020 as soon as the technical adjustment of the MFF for 2020 is completed in the spring of 2019 in order for the Council and Parliament to process it swiftly;

31. Underlines that Article 15(3) of the Financial Regulation allows de-committed amounts made as a result of total or partial non-implementation of corresponding research projects to be made available again for research programmes in the annual budgetary procedure, and sets no further preconditions in its implementation; invites the Commission to report specifically on the amounts de-committed for research programmes and to provide all relevant information and details concerning this Article; asks the Council Presidency to clarify whether this Article is now fully understood by all Member States; requests, in any event, that this provision and corresponding procedure is triggered in the context of the 2020 budgetary procedure, starting already with its inclusion in the draft budget;

32. Believes that, as the arm of the budgetary authority directly elected by citizens, Parliament should fulfil its political role and put forward proposals for pilot projects and preparatory actions expressing its political vision for the future; commits itself, in this context, to proposing a package of pilot projects and preparatory actions developed in close cooperation with each of its committees so as to find the right balance between political will and technical feasibility, as assessed by the Commission;

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33. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

⁽¹⁾ Texts adopted, P8_TA(2018)0280.

Thursday 14 March 2019

P8_TA(2019)0212

Appointment of Sebastiano Laviola as a new member of the Single Resolution Board**European Parliament decision of 14 March 2019 on the proposal of the Commission for the appointment of a member of the Single Resolution Board (N8-0021/2019 — C8-0042/2019 — 2019/0901(NLE))****(Consent)**

(2021/C 23/83)

The European Parliament,

- having regard to the Commission proposal of 30 January 2019 for the appointment of Sebastiano Laviola as member of the Single Resolution Board (N8-0021/2019),
- having regard to Article 56(6) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ⁽¹⁾,
- having regard to Rule 122a of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs (A8-0148/2019),
- A. whereas Article 56(4) of Regulation (EU) No 806/2014 provides that the members of the Single Resolution Board referred to in Article 43(1)(b) of the regulation are to be appointed on the basis of merit, skills, knowledge of banking and financial matters, and of experience relevant to financial supervision, regulation and bank resolution;
- B. whereas despite the obligations set out under Article 56(4) of Regulation (EU) No 806/2014 and notwithstanding the numerous calls made by Parliament to respect gender balance when presenting a list of candidates, Parliament deplores that all candidates were men; whereas Parliament regrets that women continue to be underrepresented in executive positions in the field of banking and financial services and demands that this request is respected for the next nomination; whereas all EU and national institutions and bodies should implement concrete measures to ensure gender balance;
- C. whereas in accordance with Article 56(6) of Regulation (EU) No 806/2014, on 7 December 2018 the Commission adopted a shortlist of candidates for the position of member of the Single Resolution Board referred to in Article 43(1)(b) of that regulation;
- D. whereas in accordance with Article 56(6) of Regulation (EU) No 806/2014, the shortlist was transmitted to Parliament;
- E. whereas on 30 January 2019, the Commission adopted a proposal to appoint Sebastiano Laviola as Member of the Board and Director of Resolution Policy Development and Coordination in the Single Resolution Board and transmitted that proposal to Parliament;
- F. whereas its Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the proposed candidate for the functions of member of the Single Resolution Board, in particular in view of the requirements laid down in Article 56(4) of Regulation (EU) No 806/2014;
- G. whereas, on 26 February 2019, the Committee held a hearing with Sebastiano Laviola, at which he made an opening statement and then responded to questions from the members of the Committee;

⁽¹⁾ OJ L 225, 30.7.2014, p. 1.

Thursday 14 March 2019

1. Approves the Commission's proposal for the appointment of Sebastiano Laviola as member of the Single Resolution Board for a period of five years;
 2. Instructs its President to forward this decision to the European Council, the Council, the Commission and the governments of the Member States.
-

Thursday 14 March 2019

P8_TA(2019)0213

Appointment of a Member of the Executive Board of the European Central Bank

European Parliament decision of 14 March 2019 on the Council recommendation on the appointment of a Member of the Executive Board of the European Central Bank (05940/2019 — C8-0050/2019 — 2019/0801(NLE))

(Consultation)

(2021/C 23/84)

The European Parliament,

- having regard to the Council's recommendation of 11 February 2019 (05940/2019) ⁽¹⁾,
 - having regard to Article 283(2), second subparagraph, of the Treaty on the Functioning of the European Union, pursuant to which the European Council consulted Parliament (C8-0050/2019),
 - having regard to Protocol No 4 on the Statute of the European System of Central banks and of the European Central Bank, and in particular Article 11.2 thereof,
 - having regard to Rule 122 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0144/2019),
- A. whereas, by letter of 14 February 2019, the European Council consulted Parliament on the nomination of Mr Philip R. Lane as Member of the Executive Board of the European Central Bank for a term of office of eight years, with effect from 1 June 2019;
- B. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 283(2) of the Treaty on the Functioning of the European Union and in the light of the need for full independence of the ECB pursuant to Article 130 of that Treaty; whereas in carrying out that evaluation, the Committee received a curriculum vitae as well as his replies to the written questionnaire that had been sent to him;
- C. whereas the committee subsequently held a hearing with the nominee on 26 February 2019, at which he made an opening statement and then responded to questions from the members of the Committee;
- D. whereas notwithstanding the numerous requests made by the European Parliament to the Council to readdress the lack of gender balance within the ECB Executive Board, the Parliament deplores that the European Council has not taken this request seriously and demands that this request is respected for the next nomination; whereas women continue to be underrepresented in executive positions in the field of banking and financial services; whereas all EU and national institutions and bodies should implement concrete measures to ensure gender balance;
1. Delivers a favourable opinion on the Council recommendation to appoint Mr Philip R. Lane as Member of the Executive Board of the European Central Bank;
 2. Instructs its President to forward this decision to the European Council, the Council and the governments of the Member States.

⁽¹⁾ Not yet published in the Official Journal.

Thursday 14 March 2019

P8_TA(2019)0214

Appointment of the Chairperson of the European Banking Authority

European Parliament decision of 14 March 2019 on the appointment of the Chairperson of the European Banking Authority (N8-0028/2019 — C8-0052/2019 — 2019/0902(NLE))

(Consent)

(2021/C 23/85)

The European Parliament,

- having regard to the selection by the Board of Supervisors of the European Banking Authority of 19 February 2019, of José Manuel Campa as Chairperson of the European Banking Authority (C8-0052/2019),
 - having regard to Article 48(2) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC ⁽¹⁾,
 - having regard to Rule 122a of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0146/2019),
- A. whereas Article 48(2) of Regulation (EU) No 1093/2010 provides that the Chairperson of the European Banking Authority is to be appointed on the basis of merit, skills, knowledge of financial institutions and markets, and of experience relevant to financial supervision and regulation, following an open selection procedure;
- B. whereas the European Banking Authority published on 12 December 2018 a vacancy notice for the position of Chairperson of the Authority; whereas the deadline for submission of applications was 11 January 2019;
- C. whereas on 5 February 2019 the Board of Supervisors of the European Banking Authority adopted a shortlist of candidates for the position of Chairperson of the Authority;
- D. whereas on 19 February 2019, the Board of Supervisors of the European Banking Authority selected José Manuel Campa as Chairperson of the Authority and informed Parliament accordingly;
- E. whereas its Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the candidate selected by the Board of Supervisors of the European Banking Authority, in particular in view of the requirements laid down in Article 48(2) of Regulation (EU) No 1093/2010;
- F. whereas, on 26 February 2019, its Committee on Economic and Monetary Affairs held a hearing with José Manuel Campa, at which he made an opening statement and then responded to questions from the members of the Committee;
- G. whereas notwithstanding the numerous calls made by the European Parliament in previous nominations to respect gender balance when presenting a list of candidates, the Parliament deplores that all candidates were men and demands that this request is respected for the next nomination; whereas women continue to be underrepresented in executive positions in the field of banking and financial services; whereas all EU and national institutions and bodies should implement concrete measures to ensure gender balance;

⁽¹⁾ OJ L 331, 15.12.2010, p. 12.

Thursday 14 March 2019

1. Approves the appointment of José Manuel Campa as Chairperson of the European Banking Authority for a period of five years;
 2. Instructs its President to forward this decision to the Council, the Commission, the European Banking Authority, and the governments of the Member States.
-

Thursday 14 March 2019

P8_TA(2019)0218

Establishment of the European Monetary Fund

European Parliament resolution of 14 March 2019 on the proposal for a Council Regulation on the establishment of the European Monetary Fund (COM(2017)0827 — 2017/0333R(APP))

(2021/C 23/86)

The European Parliament,

- having regard to the proposal for a Council Regulation on the establishment of the European Monetary Fund (COM(2017)0827),
- 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 ⁽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 ⁽²⁾,
- having regard to the opinion of the European Committee of the Regions of 5 July 2018 on proposals for reform of the Economic and Monetary Union (EMU),
- having regard to the letter from the President of the Eurogroup to the President of the European Council of 25 June 2018 on further deepening of the EMU, and to the Euro Summit statement of 29 June 2018 on the European Stability Mechanism reform,
- having regard to the Eurogroup report to Leaders on EMU deepening of 4 December 2018,
- having regard to the Euro Summit statement of 14 December 2018,
- having regard to the joint position on future cooperation between the Commission and the ESM of 14 November 2018,
- having regard to the opinion of the European Central Bank (ECB) of 11 April 2018 on a proposal for a regulation on the establishment of the European Monetary Fund ⁽³⁾,
- having regard to Opinion No 2/2018 of the European Court of Auditors of 18 September 2018 on the audit and accountability considerations concerning the proposal of 6 December 2017 for the establishment of a European Monetary Fund within the Union legal framework,
- having regard to the Five Presidents' Report of 22 June 2015 on completing Europe's Economic and Monetary Union, to the Commission white paper of 1 March 2017 on the future of Europe, and to the Commission reflection paper of 31 May 2017 on the deepening of the Economic and Monetary Union,
- having regard to its resolution of 12 June 2013 on strengthening European democracy in the future EMU ⁽⁴⁾,
- having regard to its resolution of 13 March 2014 on the enquiry on the role and operations of the Troika (ECB, Commission and IMF) with regard to the euro area programme countries ⁽⁵⁾,
- having regard to its resolution of 16 February 2017 on budgetary capacity for the euro area ⁽⁶⁾,
- having regard to its resolution of 30 May 2018 on the 2021-2027 multiannual financial framework and own resources ⁽⁷⁾,

⁽¹⁾ OJ C 252, 18.7.2018, p. 201.

⁽²⁾ OJ C 252, 18.7.2018, p. 215.

⁽³⁾ OJ C 220, 25.6.2018, p. 2.

⁽⁴⁾ OJ C 65, 19.2.2016, p. 96.

⁽⁵⁾ OJ C 378, 9.11.2017, p. 182.

⁽⁶⁾ OJ C 252, 18.7.2018, p. 235.

⁽⁷⁾ Texts adopted, P8_TA(2018)0226.

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- having regard to Rule 99(5) of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Budgets and the Committee on Economic and Monetary Affairs under Rule 55 of the Rules of Procedure,
 - having regard to the interim report of the Committee on Budgets and the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgetary Control and the Committee on Constitutional Affairs (A8-0087/2019),
- A. whereas the introduction of the euro is one of the European project's most important political achievements and a cornerstone of EMU construction;
- B. whereas the financial and economic crisis has revealed the weaknesses of the euro architecture, highlighting the urgent need for the swift deepening of the EMU and for the strengthening of its democratic accountability and transparency;
- C. whereas the euro provides EU citizens with protection and opportunities; whereas a strong and stable eurozone is essential for its members and for the EU as a whole;
- D. whereas membership of a common currency area requires adherence to common rules and obligations, such as those set out in the Stability and Growth Pact, as well as common tools to respond to severe economic and financial shocks and for the promotion of responsibility, solidarity and socioeconomic upward convergence; whereas the Treaty establishing the European Stability Mechanism (ESM Treaty) provides for a clear connection with the European macroeconomic surveillance mechanisms, in particular compliance with the rules of the Stability and Growth Pact, including its flexibility clauses, and the implementation of sustainable and inclusive structural reforms; whereas risk reduction and risk sharing should go hand in hand in deepening the EMU;
- E. whereas the creation of the European Financial Stability Facility (EFSF) and its later transformation into the European Stability Mechanism (ESM) have represented an important step towards the creation of a European crisis management mechanism, helping to strengthen the EMU and to provide financial assistance to several European countries affected by the crisis;
- F. whereas the intergovernmental nature of the ESM has implications for its decision-making process and, in particular, for its capacity to respond swiftly to economic and financial shocks;
- G. whereas the future incorporation of the ESM into the EU legal framework should continue to be understood as part of the EMU completion project;
- H. whereas the ongoing debate on the future of Europe and the EMU has highlighted differing political views among Member States on the long-term future of the ESM, but also provides a good basis for an important first step towards strengthening its role, developing its financial tools and improving its efficiency and democratic accountability as part of the ESM reform; whereas the discussion on the deepening of the EMU should yield a political solution for reforming the ESM;
- I. whereas in the short term, the ESM reform should contribute to the banking union, providing a proper common fiscal backstop for the Single Resolution Fund (SRF);
1. Welcomes the Commission proposal of 6 December 2017 for a Council Regulation on the establishment of the European Monetary Fund and considers it a useful contribution to the ongoing debate on the future of Europe, the deepening of the EMU and the ESM reform; welcomes, in particular, the Commission proposal to integrate the ESM into the EU legal order;
 2. Notes that the functions to be exercised by the reformed ESM will belong to the realm of economic policy and that the name 'European Monetary Fund' might be misleading; notes that in its opinion of 11 April 2018, the ECB suggested that the successor of the ESM retain the name 'ESM'; calls, in the light of the above, for the implications of the choice of a name for the reformed ESM to be properly and thoroughly evaluated, in order to ensure the least possible impact on the smooth functioning of the reformed ESM; suggests that the ESM retain its current name, which is recognised on the capital market, making it clear that the eurozone's monetary policy remains the competence of the ECB;

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3. Highlights that the proper functioning of the EMU is supported by the existence of an institution serving as a 'lender of last resort'; notes, in this context, the positive contribution of the ESM towards addressing the weaknesses of the institutional setting of the EMU, namely by providing financial assistance to several Member States affected by the global financial crisis and the sovereign debt crisis;
4. Recalls its previous positions in favour of the incorporation of the ESM into the EU legal framework, which would make it a fully-fledged EU body; insists that this incorporation should also take into account the role of national parliaments and continue to be understood as part of the EMU completion project; believes that such an integration would allow for management in accordance with the Community method, ensure the full consistency of fiscal rules and obligations, facilitate economic and fiscal policy coordination, and enhance democratic legitimacy and accountability through the European Parliament;
5. Underlines that if, in the future, EU budget resources are involved, Parliament should have the political power to exercise all applicable budgetary control rights over the ESM within the discharge procedure; notes that in such an event, the European Court of Auditors should be considered the independent external auditor and be given a clear and formal role in the discharge procedure;
6. Recalls the fiscal and democratic oversight prerogatives of national parliaments; considers that scrutiny over the reformed ESM by national parliaments and by the European Parliament should be further improved; believes that national parliaments should have the right to obtain information about the activities of the reformed ESM and to engage in a dialogue with the reformed ESM's Managing Director;
7. Notes that the Commission's proposal has generated a lively discussion on its political, financial and legal implications; stresses, however, that this debate on the long-term vision of the ESM's institutional setting should not delay the steps urgently required to strengthen and enforce democratic accountability of the EMU and its capacity to promote financial stability and convergence and respond to economic shocks; calls, therefore, for a meaningful ESM reform in the short term by means of a revision of the ESM Treaty, without prejudice to more ambitious developments in the future;
8. Underlines that the primary mission of the reformed ESM should continue to be to provide transitional financial assistance to Member States in need, on the basis of specific conditionality agreed in adjustment programmes and taking into account the lessons learned from previous financial assistance programmes managed by the Commission, the International Monetary Fund (IMF) and the ECB; stresses that the reformed ESM must have adequate firepower for that purpose; opposes, therefore, any attempt to turn the reformed ESM into an instrument for banks only, or to reduce its financial capacity to support Member States;
9. Recalls that the range of financial instruments available for the ESM should be available and improved for the reformed ESM, including the possibility of providing sufficient precautionary financial assistance, enabling Member States to access assistance before they face major difficulties in raising funds in the capital market; defends that access to the precautionary conditioned credit line (PCCL) should be available on the basis of a letter of intent and subject to the applicable criteria; notes that these financial tools must be used to help Member States in the case of severe economic and financial shocks; recalls that financial assistance provided to Member States can be complemented by a future budgetary instrument for convergence and competitiveness in order to promote economic and financial stabilisation, investment and upward socioeconomic convergence in the euro area;
10. Underlines that the EMU comprises all the EU Member States, all of which, except Denmark and the United Kingdom, are required to adopt the euro and join the euro area, and that any ESM should therefore be open for participation to all EU Member States;
11. Believes that the reformed ESM should play a more prominent role in the management of financial assistance programmes, alongside the Commission and in close cooperation with the ECB, ensuring that the EU institutional framework has more autonomy whenever needed, without prejudice to appropriate partnerships with other institutions, namely the IMF;

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12. Underlines that the reformed ESM should have its own expertise to produce and assess the elements required by its statute; stresses, however, that evaluation of the financial assistance requests made by the ESM, as well as its decision-making on the design of the adjustment programmes, in cooperation with other institutions, should in no way replace, duplicate or overlap the normal macroeconomic and fiscal surveillance provided for in the EU's fiscal rules and regulations, which must remain the Commission's exclusive competence;
 13. Believes that possible future adjustment programmes should take into account the social impact of the proposed measures, also compared with the long-term impact of no policy change, in the light of a previous and meaningful social impact assessment;
 14. Highlights the need to ensure an efficient decision-making procedure in the reformed ESM, particularly in the case of urgent situations; calls, in this context, for an assessment of the current governance setting;
 15. Calls for a swift ESM reform that also redefines its role, functions and financial tools, so that the reformed ESM can offer liquidity support in the case of resolution and serve as a fiscal backstop for the SRF; calls for the common backstop to be made operational as soon as possible, by 2020, subject to the agreed conditions, and, in any case, before 2024;
 16. Underlines the risk arising from the delay in deepening the banking union; welcomes the conclusions of the Eurogroup report to Leaders on EMU deepening of 4 December 2018, which was endorsed, in all its elements, by the Euro Summit of 14 December 2018; welcomes, in particular, the bringing forward of the introduction of the common backstop to the SRF, provided that sufficient progress has been made in the area of risk reduction, to be assessed in 2020, and the endorsement of the term sheet on the ESM reform; recalls its previous position on the need to complete the European deposit insurance scheme (EDIS), recognising that risk reduction and risk sharing should go hand in hand; notes that no immediate outcome as regards the future eurozone budget and the stabilisation function has been reached, but takes good note of the mandate to work on the budgetary instrument for convergence and competitiveness; underlines that significant progress has been achieved in the area of risk reduction; recalls that Parliament has made substantial contributions to enabling this, in particular on the banking package and the prudential backstop for non-performing loans;
 17. Proposes the establishment of a protocol for an interim Memorandum of Cooperation (MoC) between the ESM and Parliament, with immediate effect, to improve interinstitutional dialogue and enhance the ESM's transparency and accountability, specifying the rights of Parliament and its Members as regards questions put to the reformed ESM, regular hearings, nomination rights and appropriate budgetary control rights; recalls its request for an interinstitutional arrangement for economic governance; stresses that the Managing Director of the reformed ESM should be elected by and report to the European Parliament, following a proposal by the Council; urges that gender balance be ensured in the composition of the reformed ESM governing bodies;
 18. Instructs its President to forward this resolution to the President of the European Council, the Commission, the Council, the Eurogroup, the European Central Bank, the Managing Director of the European Stability Mechanism, and the governments and parliaments of the Member States.
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