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## Information and Notices

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*Key to symbols used*

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

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

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**

2020-2021 SESSION

Sittings of 17 to 19 June 2020

TEXTS ADOPTED

Thursday 18 June 2020

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9\_TA(2020)0140

**Request for funding for biomedical research on Myalgic Encephalomyelitis**

**European Parliament resolution of 18 June 2020 on additional funding for biomedical research on Myalgic Encephalomyelitis (2020/2580(RSP))**

(2021/C 362/01)

*The European Parliament,*

- having regard to Articles 168 and 179 to 181 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to Article 35 of the Charter of Fundamental Rights of the European Union,
  - having regard to the written question to the Commission of 2 September 2019 on ‘Research into myalgic encephalomyelitis (ME)’ (E-002599/2019) and the Commission’s answer of 28 October 2019,
  - having regard to the written question to the Commission of 4 December 2018 on ‘Chronic fatigue syndrome’ (E-006124/2018) and the Commission’s answer of 30 January 2019,
  - having regard to the written question to the Commission of 28 August 2018 on ‘Myalgic encephalomyelitis: recognition by the World Health Organisation and Commission support for research and training’ (E-004360/2018) and the Commission’s answer of 1 November 2018,
  - having regard to the written question to the Commission of 9 November 2017 on ‘Funding of research on ME/CFS’ (E-006901/2017) and the Commission’s answer of 18 December 2017,
  - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received several petitions raising concerns over the absence of treatments and the current underfunding of biomedical research on Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS) within the EU;
- B. whereas under Article 35 of the Charter of Fundamental Rights of the European Union everyone has ‘the right to benefit from medical treatment under the conditions established by national laws and practices’, while other international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities, recognise or refer to the right to health or elements of it, such as the right to medical care;
- C. whereas the actions of Member States and the Union must be directed towards improving public health; whereas this objective should be achieved through the Union’s support to Member States, by fostering cooperation and by promoting research into the causes, transmission and prevention of illnesses;



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- D. whereas ME/CFS is a debilitating chronic multisystem disease of unknown aetiology, whose symptoms, severity and progression are extremely variable;
- E. whereas ME/CFS is classified as a disorder of the nervous system by the World Health Organisation under the International Classification of Diseases (ICD-11) under code 8E49 (Postviral fatigue syndrome);
- F. whereas ME/CFS is a complex, highly disabling disease, as extreme tiredness and other physical symptoms can make it impossible to carry out everyday activities; whereas quality of life may be severely affected and patients with ME/CFS may end up being bedbound or housebound with severe suffering, negative impacts on social and family relationships and significant costs to society in terms of lost working capacity;
- G. whereas special attention needs to be paid to the high risk of social exclusion of persons affected with ME/CFS; whereas in this sense, for employed persons suffering from the disease it is crucial to be able to keep their jobs in order not to find themselves isolated;
- H. whereas all possible measures should be taken to adjust the working conditions and environment of employed people suffering from ME/CFS; whereas they should also be entitled to the adaptation of the workplace and working time;
- I. whereas there are still no established biomedical diagnostic tests for ME/CFS, nor are there any EU/EMA-approved treatments;
- J. whereas the incidence and prevalence of ME/CFS in the EU are unknown, as is equally the overall social and economic burden arising from it, owing to the lack of coordinated and comprehensive data collection at EU level;
- K. whereas according to the Commission's answer of 30 August 2019 to Petition No 0204/2019, ME/CFS is diagnosed for around 24 million people worldwide but this is considered to be only 10 % of the total ME/CFS population;
- L. whereas the American Myalgic Encephalomyelitis and Chronic Fatigue Syndrome Society estimates that around 17 to 24 million people worldwide suffer from ME/CFS;
- M. whereas approximately two million people in the EU, of whatever ethnicity, age or gender, are believed to be afflicted with ME/CFS; whereas among adults, women are the most affected;
- N. whereas to date ME/CFS is poorly understood and, consequently, underdiagnosed, owing to insufficient knowledge about this disease among healthcare providers, or else because of the difficulties encountered in the detection of symptoms and the absence of appropriate diagnostic tests; whereas the lack of understanding of ME/CFS can considerably hamper the recognition of occupational disability of patients;
- O. whereas the patients' community feels deprived and ignored by public authorities and society as a whole, and legitimately asks for greater awareness and additional funding to support progress in research; whereas patients denounce being victims of stigmatisation as a result of poor knowledge of this disease; whereas the stigma surrounding the rights of persons with ME/CFS and the associated psychological distress, which has a dramatic impact on individuals, families and society and on every aspect of citizens' lives, is too often poorly recognised;
- P. whereas children and young people afflicted with ME/CFS could potentially see their access to education hampered;
- Q. whereas the need for better recognition of this type of diseases at Member State level is evident; whereas specifically targeted training should be provided to raise awareness among public authorities, healthcare providers and officials in general;
- R. whereas Petition No 0204/2019 received and continues to receive a significant number of signatures of support, from patients and their families and also from the scientific community, calling for more resources to be invested in biomedical research into ME/CFS and patient support;
- S. whereas over the years several Members of the European Parliament have tabled questions to the Commission regarding the availability of EU funding for research on ME/CFS;

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T. whereas research efforts on ME/CFS remain rather fragmented and coordination of research at EU level is missing; whereas, despite support granted by Horizon 2020, the EU Framework Programme for Research and Innovation (2014-2020), to a number of research projects on neurological disorders of different aetiologies as well as research on pain (such as Help4Me, GLORIA and the RTCure), the Commission admitted in its answer of 30 January 2019 to Written Question E-006124/2018 that 'to date no specific projects on diagnosis/treatment of ME/CFS have been supported by the EU Framework Programmes for Research and Innovation';

1. Expresses its concern at the high incidence of ME/CFS within the EU, with an estimated 2 million citizens affected by the disease;

2. Welcomes the Commission's support for the organisation European Cooperation in Science and Technology (COST), which recently created an integrated network of researchers working on ME/CFS (Euromene); believes that Euromene can 'add value' to activities that would not be so effective if carried out at national level alone;

3. Welcomes the work currently being carried out by the Euromene network aiming at establishing a common Europe-wide approach to address the serious gaps in knowledge of this complex disease and to deliver information on the disease burden in Europe and on clinical diagnosis and potential treatments to care providers, patients and other stakeholders;

4. Welcomes the Commission's commitment made in its answer of 28 October 2019 to Written Question E-002599/2019 to provide further opportunities for research into ME/CFS through the forthcoming research and innovation framework programme which will succeed Horizon 2020, namely Horizon Europe;

5. Regrets, however, that the funding initiatives adopted so far by the Commission are not sufficient; is worried about the current underfunding of research into ME/CFS, which may be considered as a hidden public health problem in the EU; underlines the increasingly urgent need to address the human and socio-economic consequences of the growing number of individuals living and working with these long-term disabling and chronic conditions that affect the sustainability and continuity of their work and employment;

6. Calls on the Commission to allocate additional funding and prioritise calls for projects specifically focused on biomedical research into ME/CFS, with a view to the development and validation of a biomedical diagnostic test and of effective biomedical treatments that can cure the disease or alleviate its effects;

7. Believes that the current underfunding of biomedical research into ME/CFS is unjustified considering the estimated large number of patients and the consequent economic and social impact of this disease;

8. Stresses the need to implement innovative projects that can ensure coordinated and comprehensive data gathering on this disease within the Member States, and calls for mandatory reporting in all Member States affected by ME/CFS;

9. Calls on all Member States to take with determination the necessary steps to ensure the due recognition of ME/CFS;

10. Calls on the Commission to promote cooperation and the exchange of best practices among Member States as regards screening methods, diagnosis and treatment, and to create a European prevalence register of patients affected by ME/CFS;

11. Requests that the Commission provide funding to ensure appropriate and improved medical education and training for health and social care professionals working with ME/CFS patients; calls, therefore, on the Commission to study the feasibility of an EU fund for the prevention and treatment of ME/CFS;

12. Calls on the Commission to ensure the funding of the necessary logistic support for researchers with a view to promoting the coordination of research activities in this field within the EU, in terms of identifying the complexity of the ME/CFS diagnostics and patients' care challenges and unlocking the full potential of access to innovation and health data collected through experts' input and all stakeholders' engagement, in order to prioritise the right policy;

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13. Calls for increased international cooperation on research into ME/CFS, with a view to accelerating the development of objective diagnostic standards and effective forms of treatment;
  14. Calls on the Commission to commission a study assessing the overall social and economic costs attributable to ME/CFS within the EU;
  15. Invites the Commission and the Member States to launch information and awareness-raising campaigns among health professionals and the public in order to alert the population to the existence and symptoms of ME/CFS;
  16. Calls on the Council, in the context of the ongoing negotiations on the next EU multiannual financial framework, to accept Parliament's request for an increased budget for Horizon Europe and the swift adoption of that budget so that work can start on time to ensure research into ME/CFS;
  17. Calls on the Commission to recognise the special challenges faced by researchers working on diseases of unknown cause, such as ME/CFS, and to ensure that, despite these difficulties, biomedical research on such diseases is given fair access to the funding provided by Horizon Europe;
  18. Stresses the importance of raising awareness on the matter by further promoting activities at EU and Member State level around the 'Rare Disease Day' commemorated on the last day of February each year;
  19. Instructs its President to forward this resolution to the Council, the Commission and the governments and the parliaments of the Member States.
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P9\_TA(2020)0153

## Conference on the Future of Europe

### European Parliament resolution of 18 June 2020 on the European Parliament's position on the Conference on the Future of Europe (2020/2657(RSP))

(2021/C 362/02)

*The European Parliament,*

- having regard to its resolutions of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty <sup>(1)</sup>, of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union <sup>(2)</sup>, of 16 February 2017 on budgetary capacity for the euro area <sup>(3)</sup>, and of 13 February 2019 on the state of the debate on the future of Europe <sup>(4)</sup>,
  - having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights <sup>(5)</sup>,
  - having regard to the proposal by the then President-Designate of the Commission Ursula von der Leyen of 16 July 2019 in the framework of the political guidelines for the next European Commission 2019-2024 on the organisation of a Conference on the Future of Europe (the 'Conference'),
  - having regard to the Commission communication of 22 January 2020 entitled 'Shaping the Conference on the Future of Europe' (COM(2020)0027),
  - having regard to the European Council conclusions of 12 December 2019 on the general approach to the Conference on the Future of Europe,
  - having regard to its resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe <sup>(6)</sup>,
  - having regard to the resolution of the Committee of the Regions of 12 February 2020 on the Conference on the Future of Europe,
  - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences <sup>(7)</sup>,
  - having regard to its resolution of 15 May 2020 on the new multiannual financial framework, own resources and the recovery plan <sup>(8)</sup>,
  - having regard to the statement of the Conference of Presidents on the 70th anniversary of the Schuman Declaration,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas there is a need to tackle both the internal and the external challenges that Europe is facing, as well as the new societal and transnational challenges which had not been fully envisaged when the Lisbon Treaty was adopted; whereas the number of significant crises that the Union has undergone demonstrates that institutional and political reform are needed in multiple governance areas;

<sup>(1)</sup> OJ C 252, 18.7.2018, p. 215.

<sup>(2)</sup> OJ C 252, 18.7.2018, p. 201.

<sup>(3)</sup> OJ C 252, 18.7.2018, p. 235.

<sup>(4)</sup> Texts adopted, P8\_TA(2019)0098.

<sup>(5)</sup> OJ C 242, 10.7.2018, p. 24.

<sup>(6)</sup> Texts adopted, P9\_TA(2020)0010.

<sup>(7)</sup> Texts adopted, P9\_TA(2020)0054.

<sup>(8)</sup> Texts adopted, P9\_TA(2020)0124.

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- B. whereas the current COVID-19 crisis has shown to a very high cost that the EU remains an unfinished project and that the failure to ensure solidarity and coordination, the economic, health and social shocks, and the ongoing attacks on fundamental rights and the rule of law need to be better addressed by the Conference; whereas the ongoing crisis therefore makes it even more urgent for the European Union to start work on how to become more effective, democratic and closer to citizens;
- C. whereas Parliament, the Commission and the Council have all stated that a Conference on the Future of Europe should be organised and that this Conference process should be an opportunity to closely involve EU citizens in a bottom-up exercise in which they are listened to and their voices contribute to the debates on the future of Europe;
- D. whereas the Conference should enable an open forum for discussion among the different participants without a predetermined outcome; whereas the common agreement of the three institutions should therefore only concern the format and organisation of the Conference;
1. Believes that 10 years after the entry into force of the Lisbon Treaty, 70 years after the Schuman Declaration and in the context of the COVID-19 pandemic, the time is ripe for a reappraisal of the Union; is of the opinion that the COVID-19 crisis has made the need for the Conference even more pressing;
  2. Is of the opinion that the COVID-19 crisis has made the need to reform the European Union even more apparent, while demonstrating the urgent need for an effective and efficient Union; is therefore of the opinion that the Conference process should take into account the EU's existing recovery instruments and the solidarity that has already been established, while ensuring ecological sustainability, economic development, social progress, security and democracy;
  3. Reaffirms the position it outlined in its resolution of 15 January 2020 in all its dimensions and reiterates its call on the Council and the Commission to engage in negotiations to find common agreement on the establishment of the Conference on the Future of Europe before the summer break;
  4. Regrets that the Council has not yet adopted a position on the Conference and therefore urges the Council to overcome its differences and to promptly come forward with a position on the format and organisation of the Conference;
  5. Welcomes the adoption by the Commission of its position on the Conference and its readiness to go forward in a speedy fashion;
  6. Urges the Council to include in its mandate a commitment to meaningful follow-up and the meaningful direct involvement of citizens, and to keep the scope of the Conference open to all possible outcomes, including legislative proposals, initiating treaty change or otherwise;
  7. Stresses that despite the pandemic the direct engagement of citizens, civil society organisations, social partners and elected representatives must remain a priority of the Conference; is therefore looking forward to starting the Conference so as to build a more democratic, more effective and more resilient Union together with all EU citizens;
  8. Recognises that the start of the Conference had to be delayed as a result of the pandemic; notes, however, that the pandemic has highlighted certain weaknesses in our Union; is therefore determined to start the Conference as soon as possible in autumn 2020;
  9. Instructs its President to forward this resolution to the Council and the Commission.
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P9\_TA(2020)0156

## European disability strategy post 2020

**European Parliament resolution of 18 June 2020 on the European Disability Strategy post-2020 (2019/2975(RSP))**

(2021/C 362/03)

*The European Parliament,*

- having regard to Article 2 of the Treaty on European Union, and Articles 2, 9, 10, 19 and 216(2) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union (the Charter), in particular Articles 3, 15, 20, 21, 23, 25, 26 and 47 thereof,
- having regard to the European Pillar of Social Rights, in particular principle 17 thereof on the inclusion of people with disabilities, principle 3 thereof on equal opportunities, and principle 10 thereof on a healthy, safe and well-adapted work environment and data protection,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities <sup>(1)</sup>,
- having regard to the CRPD General Comments as the authoritative guidance on the implementation of the CRPD,
- having regard to the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities <sup>(2)</sup>,
- having regard to the concluding observations of 2 October 2015 of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) on the initial report of the European Union,
- having regard to the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
- having regard to the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the European Ombudsman's strategic inquiries into how the European Commission ensures that persons with disabilities can access its websites (OI/6/2017/EA), how the European Commission treats persons with disabilities under the Joint Sickness Insurance Scheme for EU staff (OI/4/2016/EA), and her decision in the joint inquiry in cases 1337/2017/EA and 1338/2017/EA on the accessibility for visually impaired candidates of selection procedures to recruit EU civil servants, organised by the European Personnel Selection Office,
- having regard to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), which the EU is committed to implementing,
- having regard to the explicit disability references in the SDGs related to education (SDG 4), growth and employment (SDG 8), inequality (SDG 10), accessibility of human settlements (SDG 11) and data collection (SDG 17),

<sup>(1)</sup> OJ L 23, 27.1.2010, p. 35.

<sup>(2)</sup> OJ C 340, 15.12.2010, p. 11.

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- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the exploratory opinion from the European Economic and Social Committee requested by Parliament on the situation of women with disabilities,
- having regard to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services <sup>(3)</sup>,
- having regard to Directive 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 <sup>(4)</sup>,
- having regard to Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services ('Audiovisual Media Services Directive') in view of changing market realities <sup>(5)</sup>,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>(6)</sup>,
- having regard to its resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive') <sup>(7)</sup>,
- 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 (Recast) <sup>(8)</sup>,
- having regard to the Commission communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe' (COM(2010)0636),
- having regard to the Commission communication of 14 January 2020 entitled 'A Strong Social Europe for Just Transitions' (COM(2020)0014),
- having regard to the Commission staff working document of 2 February 2017 entitled 'Progress Report on the implementation of the European Disability Strategy 2010-2020' (SWD(2017)0029),
- having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament's position thereon of 2 April 2009 <sup>(9)</sup>,
- having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017 <sup>(10)</sup>,
- having regard to its resolution of 30 November 2017 on implementation of the European Disability Strategy <sup>(11)</sup>,

<sup>(3)</sup> OJ L 151, 7.6.2019, p. 70.

<sup>(4)</sup> OJ L 327, 2.12.2016, p. 1.

<sup>(5)</sup> OJ L 303, 28.11.2018, p. 69.

<sup>(6)</sup> OJ L 303, 2.12.2000, p. 16.

<sup>(7)</sup> OJ C 204, 13.6.2018, p. 179.

<sup>(8)</sup> OJ L 321, 17.12.2018, p. 36.

<sup>(9)</sup> OJ C 137 E, 27.5.2010, p. 68.

<sup>(10)</sup> Texts adopted, P8\_TA(2019)0032.

<sup>(11)</sup> OJ C 356, 4.10.2018, p. 110.



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- having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the CRPD Committee <sup>(12)</sup>,
- having regard to its resolution of 20 May 2015 on the List of Issues adopted by the United Nations Committee on the Rights of Persons with Disabilities in relation to the initial report of the European Union <sup>(13)</sup>,
- having regard to its resolution of 25 October 2011 on mobility and inclusion of persons with disabilities and the European Disability Strategy 2010-2020 <sup>(14)</sup>,
- having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market <sup>(15)</sup>,
- having regard to its resolutions of 17 June 1988 on sign languages for deaf people <sup>(16)</sup>, of 18 November 1998 on sign languages <sup>(17)</sup> and of 23 November 2016 on sign languages and professional sign language interpreters <sup>(18)</sup>,
- having regard to the 2016 study from Parliament's Directorate-General for Internal Policies, Policy Department C entitled 'European structural and investment funds and persons with disabilities in the European Union',
- having regard to the European Parliamentary Research Service briefing entitled 'The European Disability Strategy 2010-2020',
- having regard to the Annual Report 2018 from the European Ombudsman,
- having regard to the opinion of the European Economic and Social Committee entitled 'Shaping the EU agenda for disability rights 2020-2030',
- having regard to the Fundamental Rights Reports 2019 of the European Union Agency for Fundamental Rights (FRA),
- having regard to FRA's thematic reports,
- having regard to the statement by the Commission of 17 December 2019 on the EU Disability Strategy post-2020,
- having regard to the Eurostat disability statistics on labour market access, access to education and training, and poverty and income inequalities,
- having regard to the reports and recommendations of representative organisations of persons with disabilities,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(19)</sup>, in particular Articles 4, 6 and 7 thereof,
- having regard to Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 <sup>(20)</sup>, in particular Article 5(9)(a) thereof,

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<sup>(12)</sup> OJ C 101, 16.3.2018, p. 138.

<sup>(13)</sup> OJ C 353, 27.9.2016, p. 41.

<sup>(14)</sup> OJ C 131 E, 8.5.2013, p. 9.

<sup>(15)</sup> OJ C 212 E, 5.8.2010, p. 23.

<sup>(16)</sup> OJ C 187, 18.7.1988, p. 236.

<sup>(17)</sup> OJ C 379, 7.12.1998, p. 66.

<sup>(18)</sup> OJ C 224, 27.6.2018, p. 68.

<sup>(19)</sup> OJ L 347, 20.12.2013, p. 320.

<sup>(20)</sup> OJ L 347, 20.12.2013, p. 289.



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- having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 <sup>(21)</sup>, in particular Article 2(3) and Article 8 thereof,
  - having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 <sup>(22)</sup>,
  - having regard to the motion for a resolution of the Committee on Employment and Social Affairs,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas, as full citizens, all persons with disabilities have equal rights in all fields of life (including access to an open labour market and education) and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society, respecting and valuing their input to the social and economic progress of the EU; whereas more than half of the Member States are depriving people suffering from mental health problems or with an intellectual disability of their right to vote;
- B. whereas there are an estimated 100 million persons with disabilities in the European Union <sup>(23)</sup>, who are still deprived of their basic human rights and are hindered on a daily basis from leading an independent life; whereas women account both for over 60 % of persons with disabilities and for the large majority of caregivers for people with disabilities; whereas the number of children with disabilities is unknown owing to a lack of statistics, but may be in the region of 15 % of the total number of children in the European Union; whereas an increasingly ageing population will see more people experience disabilities and in need of a more accessible and supportive environment, including suitably adapted services;
- C. whereas the TFEU requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19);
- D. whereas Article 21 and Article 26 of the Charter explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society;
- E. whereas the CRPD is the first international human rights treaty to be ratified by the EU and all its Member States;
- F. whereas the case-law of the Court of Justice of the European Union (CJEU) reinforces the fact that the CRPD is binding on the EU and on its Member States when adopting and implementing EU law, as it is an instrument of secondary law <sup>(24)</sup>;
- G. whereas the Optional Protocol of the CRPD has not been ratified by the EU and several Member States;
- H. whereas children with disabilities should fully enjoy all human rights and fundamental freedoms on an equal basis with other children, including the right to grow up in their families or a family environment in line with their best interests as defined in the Convention on the Rights of the Child; whereas family members often have to reduce or stop professional activities in order to care for family members with a disability; whereas the European Commission Feasibility Study for a Child Guarantee (intermediate report) points out that the main barriers identified for children

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<sup>(21)</sup> OJ L 347, 20.12.2013, p. 470.

<sup>(22)</sup> OJ L 347, 20.12.2013, p. 487.

<sup>(23)</sup> This number includes 99 million people according to the EU-SILC survey of 2016 and 1 million people estimated to be segregated in residential institutions and therefore not represented in the survey.

<sup>(24)</sup> Judgments of 11 April 2013 in Joined Cases C-335/11 and C-337/11, paragraphs 29-30; of 18 March 2014 in Case C-363/12, paragraph 73; and of 22 May 2014 in Case C-356/12.

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with disabilities are problems involving physical access, the non-adaptation of services and facilities to children's needs and, in many cases, simply the non-availability thereof; whereas in the same study many respondents pointed to problems of discrimination, specifically in relation to problems relating to education, and affordability in relation to problems relating to housing;

- I. whereas the CRPD principles go far beyond discrimination, pointing the way to the full enjoyment of human rights by all persons with disabilities and their families in an inclusive society;
- J. whereas the case-law of the CJEU provides that a policy may be deemed indirectly discriminatory if, in practice, the contested provision negatively affects a substantially higher proportion of persons with disabilities; whereas, if a provision is even suspected of being intrinsically discriminatory and liable to have a similar negative effect, it will also be deemed discriminatory;
- K. whereas Article 1 of the CRPD states that 'persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'; whereas Article 9 of the CRPD is of particular importance in that regard;
- L. whereas 37 % of the EU-28 population aged 15 and over reported moderate or severe physical or sensory limitations in 2018; whereas in the EU-28, 24,7 % of the population aged 16 and over reported some or severe long-standing limitations in their usual activities due to health problems in 2018; whereas 17,7 % reported some long-standing limitations and 7 % reported severe long-standing limitations <sup>(25)</sup>;
- M. whereas the burden of major chronic diseases is calculated on the basis of disability-adjusted life year (DALY); whereas frameworks addressing chronic diseases vary across the EU, however, and may be part of broader disability schemes in some Member States;
- N. whereas Eurofound pointed out that there is a lack of clarity regarding the inclusion of the concept of (chronic) 'sickness' in the definition of disability <sup>(26)</sup>; whereas the agency recommends that a review of the European Disability Strategy should seek to address this issue;
- O. whereas the EU Disability Strategy 2010-2020 failed to mainstream gender equality and include and address the specific situation, forms of discrimination and rights deprivations of women and girls with disabilities, who face multiple discrimination and other violation of their rights; whereas the effects of multiple discrimination are poverty, social, educational and labour market exclusion (more likely to occupy low-paid, temporary or precarious jobs), causing further stress and psychological burden for persons with disabilities and their families and carers; whereas equal treatment can be ensured by applying positive measures and policies for women with disabilities, mothers/fathers of children with disabilities, single parents with disabilities and/or single parents of children with disabilities; whereas including a gender dimension in the expected post-2020 European Disability Strategy will contribute to an intersectional approach to eliminating discrimination against women and girls with disabilities;
- P. whereas in 2018 about 28,7 % of the EU population with a disability (aged 16 or over) was at risk of poverty or social exclusion <sup>(27)</sup>;
- Q. whereas although Article 19 of the CRPD states that 'States Parties to the present Convention recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community', 800 000 persons with disabilities are still denied their right to vote in the EU;

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<sup>(25)</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Functional\\_and\\_activity\\_limitations\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Functional_and_activity_limitations_statistics)

<sup>(26)</sup> Eurofound (2019), *How to respond to chronic health problems in the workplace?* Publications Office of the European Union, Luxembourg.

<sup>(27)</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20191029-2>

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- R. whereas deafblind people suffer from unique dual disabilities, combining two sensory deficiencies (visual and hearing), which restricts their full participation and causes specific problems such as access to communication, information, mobility and social interactions;
- S. whereas benefits related to disability should be regarded as state support aimed at helping people to remove barriers arising from their disability and/or medical condition in order to participate fully in society, in addition to income replacement when it is needed;
- T. whereas Article 9 CRPD recognises that appropriate measures must be taken to ensure that persons with disabilities, in particular girls and women, can enjoy real access to the physical environment, transport facilities, information and communications, including information and communication technologies, and to other facilities and services that are open to, or provided for, the public, in both rural and urban areas;
- U. whereas the Directive on Work-life balance for parents and carers adopted in June 2019 <sup>(28)</sup> establishes, for the first time at EU level, a right for each worker to a carers' leave of five working days per year;
- V. whereas the European Disability Strategy 2010-2020 (the Strategy) has served as a framework for policy and legislative proposals to implement the CRPD both within the EU and beyond;
- W. whereas persons with disabilities are still not fully participating in society and enjoying their rights; whereas in accordance with Article 29 of the CRPD the participation of persons with disabilities can be achieved only if they are included in political and public life, where they are often underrepresented;
- X. whereas the Strategy has not been adapted to emerging policy areas, such that it has not been aligned with either the Agenda 2030, which the EU and all its Member States are committed to implementing, or with the European Pillar of Social Rights;
- Y. whereas during the COVID-19 crisis, persons with disabilities have experienced serious challenges and rights violations, such as disruptions in personal assistance, care and support services, unequal access to and/or complete exclusion from health-related information and healthcare, including urgent care, lack of general, public safety-related information presented in a clear and simple manner, including in accessible, barrier-free and usable formats, lack of precautionary measures in residential institutions, unequal access to the alternatives offered by educational institutions, namely distance and online learning, and an increase in instances of domestic violence; whereas there is a possibility that the pandemic and the above challenges could resurge in the coming months;
- Z. whereas the Strategy does not cover all the provisions of the CRPD;
- AA. whereas the Commission to date has not undertaken a cross-cutting, comprehensive review of its legislation in order to ensure full harmonisation with the provisions of the CRPD;
- AB. whereas the Strategy has achieved limited progress;
- AC. whereas there has been a lack of mainstreaming of the rights of persons with disabilities in a large number of EU policy areas;
- AD. whereas there continues to be new and revised legislation without any reference to the CRPD and accessibility; whereas accessibility is a prerequisite for independent living and participation; whereas the EU, as a party to the CRPD, has the duty to ensure the close involvement and active participation of persons with disabilities and their representative organisations in the development and implementation of legislation and policies, while respecting diverse concepts of disability;

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<sup>(28)</sup> Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79).

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- AE. whereas it is imperative for persons with disabilities to have full and equal access to the labour market, which continues to be problematic given the current employment rate, standing at 50,6 % (53,3 % for men and 48,3 % for women with disabilities), compared with 74,8 % among persons without disabilities <sup>(29)</sup>, and the unemployment rate of persons aged 20-64 with disabilities, standing at 17 %, compared to 10 % of people without disabilities, thus preventing many persons with disabilities from living an independent and active life; whereas a considerable proportion of the 4 million people experiencing homelessness every year have disabilities; whereas the data varies considerably between different types of disabilities and support needs;
- AF. whereas employers must be supported and encouraged to ensure that persons with disabilities are empowered all the way from education to employment; whereas to this end, the awareness-raising of employers is one way to combat discrimination in the hiring of persons with disabilities;
- AG. whereas measures in the workplace are crucial for promoting positive mental health, preventing mental ill-health and psychosocial disabilities;
- AH. whereas actions aimed at tackling the challenges of demographic change need to include adequate measures for keeping persons with disabilities active and in the labour market; whereas this not only includes prevention measures regarding occupational safety and health in the workplace, but also measures focusing on rehabilitation and participation following sickness or accident;
- AI. whereas participation can be fully achieved only if a large range of persons with disabilities and their representative organisations are included and all types of stakeholders are meaningfully consulted, respecting diverse concepts of disability;
1. Acknowledges the progress made in the implementation of the CRPD, brought about by the European Disability Strategy 2010-2020; calls on the Commission to build upon what has been achieved by upscaling its commitment to the rights of persons with disabilities through an ambitious post-2020 European Disability Strategy (post-2020 Strategy);
  2. Recalls that in its concluding observations the CRPD Committee, in its critically noted that the austerity measures adopted by the EU and its Member States had worsened the standard of living of persons with disabilities, leading to higher poverty and social exclusion levels and cuts in social services and support to families and community-based services;
  3. Recalls that the CRPD Committee has expressed its deep concern over the precarious situation of persons with disabilities in the current migration crisis in the EU, in particular because refugees, migrants and asylum seekers with disabilities are detained in the EU in conditions that do not provide appropriate support and reasonable adjustments; calls, therefore, on the Commission to rectify the situation by issuing guidelines to its agencies and Member States that declare that the restrictive detention of persons with disabilities in the context of migration and asylum seeking is not in line with the CRPD;
  4. Is particularly concerned about young people with disabilities and those who have been unemployed for a longer period of time; calls on the Member States to work towards including them in the labour market as a matter of priority, for example as part of the Youth Guarantee programme;
  5. Calls on the Commission to put forward a comprehensive, ambitious and long-term post-2020 European Disability Strategy, which:
    - a) includes clearly designated priority areas that cover all the provisions of the CRPD and reflect the general comments of the CRPD Committee, including definitions of key terms, in particular a common definition at the EU level of 'disability', in all areas of EU policy and that address the Concluding Observations of the CRPD Committee to the EU adopted in 2015;
    - b) contains ambitious, clear and measurable targets, including a list of planned actions with clear time frames and allocated resources in the following areas: equality, participation, free movement and independent living, accessibility, employment and training, education and culture, poverty and social exclusion, external action, freedom from violence and abuse, mainstreaming disability and awareness raising;

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<sup>(29)</sup> Commission proposal of 17 December 2019 for a Joint Employment Report from the Commission and the Council (COM(2019)0653).

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- c) contains set implementation timeframes and timelines;
  - d) reflects the diversity of persons with disabilities and their needs including through targeted actions;
  - e) mainstreams the rights of all persons with disabilities into all policies and all areas;
  - f) recognises and addresses the multiple and intersectional forms of discrimination that persons with disabilities face;
  - g) includes a child-sensitive approach;
  - h) safeguards gender mainstreaming;
  - i) is aimed at adult people with disabilities and gives special attention to those with intellectual disabilities and their future after the death of their carer;
  - j) is backed by an adequate and sufficiently-resourced monitoring mechanism with clear benchmarks and indicators;
  - k) facilitates connections between different policy areas at EU level, and the strategy's adaptability to emerging policy areas and challenges beyond the provisions of the CRPD, such as digitalisation and new technologies, automation and Artificial Intelligence;
  - l) is consistent with other EU initiatives and strategies and integrates the follow-up to the Europe 2020 Strategy and initiatives under the European Pillar of Social Rights and the roadmap for a Social Europe;
  - m) allocates an adequate budget for the implementation and monitoring of the post-2020 Strategy, including the allocation of an adequate budget for the EU CRPD Framework, which promotes, protects and monitors the implementation of the CRPD in matters of EU competences (i.e. in EU legislation and policies and in EU public administration);
  - n) promotes collaboration with authorities, businesses, social partners and civil society at European, national, regional and local level in order to ensure the proper implementation of the post-2020 Strategy;
  - o) mainstreams equal access to services for persons with disabilities, including access to health care, education and employment, public transport, housing, culture, sports and leisure, and other areas by eliminating the barriers to social participation, and by applying universal design principles into infrastructural and digital investments across the EU;
  - p) ensures that effective promotion and support of social economy is included in the Strategy priorities;
6. Stresses the need for consistency between the post-2020 Strategy and the frameworks aimed at people with chronic diseases, including measures on employment activation, since strategies aimed at persons with disabilities do not necessarily always address their needs;
7. Highlights the importance of a holistic definition and application of accessibility and its value as the basis for persons with disabilities to have equal opportunities, as recognised in the CRPD, and in line with CRPD General Comment No 2, taking into account the diversity of the needs of persons with disabilities and promoting universal design as a principle of the EU;
8. Calls on the Member States to fully implement and continuously monitor all accessibility-related legislation, including the European Accessibility Act<sup>(30)</sup>, the Audiovisual Media Services Directive, the Telecoms Package and the Web Accessibility Directive<sup>(31)</sup>, and the relevant transport and passengers rights regulations; insists that monitoring should be conducted not through self-assessment but by an independent entity that includes persons with disabilities; calls, therefore, on the Commission to facilitate implementation and to establish a European Access Board to monitor the implementation of EU accessibility legislation;

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<sup>(30)</sup> OJ L 151, 7.6.2019, p. 70.

<sup>(31)</sup> OJ L 327, 2.12.2016, p. 1.

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9. Calls on the Commission to use the European Accessibility Act as a basis for adopting a robust EU framework for an accessible and inclusive environment with fully accessible public spaces, services, including public transport, communication and financial services, and the built environment; calls on the Commission to strengthen passenger rights to avoid further discrimination;
10. Calls on the Commission to revise the rules for the European Union Aviation Safety Agency (EASA) and the International Air Transport Association (IATA) in order to protect the rights of the passengers with disabilities, which focuses on the safety and the integrity of both their body and equipment when transported, and the recognition of the need for extra seats for a personal assistant or for those persons who are in a horizontal position;
11. Recalls that the implementation of all accessibility-related obligations require sufficient funding at EU, national and local level; calls on the Commission and the Member States to boost public investment in order to secure accessibility for persons with disabilities to both the physical and digital environments;
12. Expresses its concern over the fact that the public procurement *ex ante* conditionality of buying accessibly before signing a public contract is not sufficiently implemented at national level; recommends, to this end, to set up a portal, along similar lines to green public procurement containing all the accessibility guidelines;
13. Calls on the Commission to work with CJEU on communication and accessibility strategies to ensure that for persons with disabilities can access the EU justice system;
14. Stresses that the post-2020 Strategy should be based on a cross-cutting, comprehensive review of all EU legislation and policy in order to be fully harmonised with the provisions of the CRPD; insists that it should include a revised declaration of competences that includes all policy areas in which the EU has legislated or adopted soft law measures that have an impact on persons with disabilities, and should propose legislative proposals with implementation and monitoring measures;
15. Calls on the Commission to ensure the inclusion of a gender-based and intersectional approach to combat the multiple forms of discrimination faced by women and girls with disabilities; insists that gender-disaggregated data should be collected in order to identify the forms of intersectional multiple discrimination that are faced by women and girls with disabilities in all areas covered by the Istanbul Convention and wherever relevant; urges the Commission to put forward a consolidated proposal within the post-2020 Strategy and to adopt effective measures to prevent and combat violence against women and children with disabilities, including sexual harassment and abuse, which target families, communities, professionals and institutions; urges the European Union, those Member States that have yet to do so, to ratify the Istanbul Convention;
16. Calls for the post-2020 Strategy to develop an interinstitutional structure to oversee its implementation using the procedures set out in the Interinstitutional Agreement on Better Law-making<sup>(32)</sup>; stresses that disability focal points should be present in all EU institutions and agencies, with the central focal point located within the Commission's General Secretariat; stresses that disability focal points should be supported by an appropriate interinstitutional mechanism in order to coordinate the implementation of the CRPD in EU institutions and agencies; stresses that an interinstitutional mechanism exists in order to facilitate cooperation between the Commission, Parliament and the Council, with their respective Presidents meeting at the start of each mandate; stresses in this regard that EU institutions as public administrations are to comply with the CRPD in all respects;
17. Urges the Commission to prepare the post-2020 Strategy with the close, meaningful and systematic involvement of persons with disabilities and their representative family members and organisations, and to ensure that the Commission, together with the Member States, work closely with them in the implementation, monitoring and evaluation of the post-2020 Strategy, also through adequate funding and capacity building;

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<sup>(32)</sup> OJ L 123, 12.5.2016, p. 1.



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18. Calls on the Commission to include a review of the Strategy every 3 years with a clearly defined role for the EU CRPD Framework and to systematically and actively involve persons with disabilities and their representative organisations (at EU and national levels) in such a review;
19. Stresses the need to continuously monitor the implementation of the CRPD; calls for, in this context:
- a) the collection (with legally established safeguards) of robust disaggregated data, broken down by type of disability, age, gender and factors that are relevant to the monitoring of progress in the implementation of the CRPD and to addressing the barriers faced by persons with disabilities in exercising their rights;
  - b) adequate resources to be allocated to the EU CRPD monitoring framework to enable it to perform its functions independently and appropriately;
  - c) a flexible mechanism that can provide incentives for the optimal implementation of the CRPD, such as the Access City Awards and
  - d) relevant initiatives at national level;
20. Calls on the Commission to ensure that the post-2020 Strategy will especially promote guaranteed access to employment, and vocational and professional training, inclusive education, affordable quality healthcare services, digital services, and sport activities for persons with disabilities, including by ensuring that reasonable accommodation is provided in the workplace, and that persons with disabilities are paid at the same level as employees without disabilities, and avoiding and preventing that any other ways of discrimination will be possible; calls on the Member States to further develop and/or better implement measures that promote the participation of people with disabilities in the labour market and to recognise persons with disabilities working in sheltered workshops as workers under the law and to ensure that they are entitled to the same social protection as other workers; calls on the Commission to encourage the development of quality frameworks for traineeships and to encourage and develop training opportunities through apprenticeships for people with disabilities; calls on the Commission to include best practices in future reports to enable employers to implement disability legislation effectively; calls on the Commission to recognise, promote and protect inclusive enterprises to create permanent employment for people with disabilities in the labour market; stresses the potential of social economy enterprises and organisations to facilitate labour market inclusion for persons with disabilities; calls on the Commission to provide targeted support from the European Social Fund for the social economy;
21. Stresses that it is fundamental to ensure a high level of services and assistance to persons with disabilities; considers, therefore, it necessary to define minimum standards at EU level in order to guarantee that all the needs of persons with disabilities are met;
22. Calls on the Commission to revise the directive on cross-border health care to bring it in line with the CRPD in order to guarantee access to affordable and quality cross-border healthcare for persons with disabilities;
23. Calls on the Member States to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation and, when applicable, long-term care;
24. Considers that women and girls with disabilities must have full access to medical care that meets their particular needs, including gynaecological consultations, medical examinations, family planning, and adapted support during pregnancy; urges the EU to take these services into account when implementing the post-2020 Strategy;
25. Stresses that deafblind persons need additional care provided by professionals with specialist and qualified knowledge as well as deafblind interpreters; calls on the Member States to recognise the red-white cane as the symbol of the deafblind pedestrian in order to make deafblind people more visible in traffic;
26. Calls on the Commission to ensure that persons deprived of their legal capacity can exercise all the rights enshrined in European Union treaties and legislation;
27. Notes with regret that current European policies on the rights of the child do not sufficiently include a comprehensive rights-based strategy for boys and girls with disabilities, nor do they contain safeguards to protect their rights, and that the disability strategies do not sufficiently address or mainstream them;

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28. Calls on the Commission to improve access to essential services and social rights for vulnerable children (specifically, healthcare, education, early childhood education and care, nutrition and housing);
29. Calls on the Commission and the Member States to make the EU a leader in promoting the rights of persons with disabilities and to promote the ratification of the CRPD worldwide; calls on the Commission expert Task Force for Equality under the supervision of the Commissioner for Equality to systematically mainstream the rights of persons with disabilities in all the relevant EU laws, decisions, policies and programmes; urges the full integration of the disability-rights perspective in all aspects of the European Pillar of Social Rights, in the Gender Equality Strategy, with special focus on the fight against violence, in the Erasmus+ and Youth Guarantee, the Just Transition Mechanism, the Child Guarantee, the forthcoming Green paper on Ageing, in the European Semester and in the EU foreign policy, and stresses the need for a Disability Rights Guarantee to assist persons with disabilities into employment, traineeships, job placements and further education; reminds the Commission to also monitor this inside the EU institutions;
30. Calls on the Commission to prepare an evaluation of the challenges and rights violations experienced by persons with disabilities during the COVID-19 pandemic, the measures adopted by Member States in response to the pandemic, and the gaps and shortcomings in legislation; calls on the Commission to propose relevant and specific recovery and mitigation measures in the Post-2020 Disability Strategy to overcome such shortcomings and to prevent them in the future; recalls that such measures must be developed on the basis of consultations with persons with disabilities and the family members or organisations representing them, as well as the European Parliament's CRPD network;
31. Calls on the Commission's expert Task Force to set up and maintain systematic consultations with persons with disabilities and their representative organisations;
32. Stresses that the right to live independently and to be included in the community is integral to the realisation of many of the other rights enshrined in the CRPD, including equality and non-discrimination, autonomy and liberty, legal capacity and freedom of movement;
33. Calls on the Commission to actively promote the transition from institutional and/or segregating care to community-based support, including personal assistance, and inclusive services (both mainstream and tailor-made), in all EU policy tools and initiatives; calls, further, on the Commission to ensure that overall progress in deinstitutionalisation is included as an indicator in the EU social scoreboard;
34. Calls on the Member States to foster participation by accelerating the deinstitutionalisation process within a specific time frame and by replacing substitute decision-making by supported decision-making; calls on the Member States to ensure that deinstitutionalisation never leads to homelessness for persons with disabilities because of a lack of adequate and/or accessible housing;
35. Calls on the Commission to adopt a strong position on the fact that the general availability of mainstream community-based services (CBS) is essential for the transition from institutional care to community living;
36. Calls on the Commission to promote freedom of movement for persons with disabilities;
37. Calls on the Commission to develop actions at EU level to ensure that all people with disabilities are able to exercise their freedom of movement and to enjoy freedom of movement and work abroad on an equal basis with others;
38. Calls on the Commission to safeguard the CRPD-compliant use of EU funds and to ensure that EU funds do not contribute to the construction or refurbishment of institutional care settings or any other kind of settings that could easily turn into an institution, or to projects that do not meaningfully involve persons with disabilities, their representative family members and organisations, and are not invested in structures that are inaccessible to persons with disabilities;
39. Calls on the Commission to ensure that EU funds do not contribute to unethical research, involuntary sterilisation or the violation of reproduction rights of persons with disabilities;
40. Calls on the Commission to recognise that persons with intellectual and psychosocial disabilities are particularly vulnerable to experimental approaches and treatments, which do not have a robust scientific evidence base and can cause significant harm;



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41. Insists that EU funds should aim to promote inclusive, accessible environments, services, practices and devices, following a universal design approach and favouring deinstitutionalisation, including strong support for personal assistance and independent living; calls on the Commission to promote initiatives that ensure that the support services financed by EU funds meet the needs of persons with disabilities; stresses that funds should actively be invested in research to develop better and more affordable assistive technology for persons with disabilities; calls for active outreach to persons with disabilities, their representative family members and organisations in all EU-funded programmes;

42. Calls on the European Court of Auditors to examine whether EU-funded opportunities reach persons with disabilities;

43. Calls on the Commission to ensure that all projects and infrastructure supported by EU funds in third countries are accessible for the inclusion of persons with disabilities and that EU funds invest in the implementation and monitoring of the CRPD and capacity building of organisations of persons with disabilities;

44. Calls on the Commission and the Member States to ensure that the EU's strategy and Member State actions are fully aligned with the SDGs and the United Nations 2030 Agenda, as a major global framework for action for action for sustainability, equality and inclusion, including disability as a horizontal issue in SDGs 4, 8, 10,11 and 17;

45. Calls on the Commission to be a leader in disability-inclusive implementation of the SDGs in its external action, independent of a new European disability strategy, by adopting a clear, transparent and inclusive roadmap to achieving the goals;

46. Welcomes the recently adopted directive on work-life balance for parents and carers and, in particular, the introduction of a carers' leave of five working days per year; calls on the Member States to implement the directive swiftly and encourages them to go beyond the minimum requirements set out therein, including by establishing the right to paid paternity, parental and carers' leave; encourages the Member States to introduce arrangements for carers' leave, paternity leave, parental leave and flexible working arrangements that are adapted to the specific needs of parents in particularly disadvantaged situations, such as those parents with disabilities or parents of children with disabilities or long-term illnesses; calls on all Member States to ensure sufficient support, both financial and professional, for people taking care of their family members with disabilities who live in the same home; stresses that the fact that they have to take care of their relatives often has a negative impact on their family and professional life and can lead to exclusion and discrimination;

47. Calls on the Commission to create mechanisms to coordinate the portability and adaptability of benefits and services for persons with disabilities between the Member States and to expand the pilot project of the EU Disability Card to all Member States, extending it beyond culture and sport and to ensure that the EU parking card for people with disabilities is fully observed in all Member States; stresses that such measures are crucial to ensure that persons with disabilities across the EU can access disability support without the need for separate assessments in each Member State; calls on the Member States to incorporate into their legislation the recognition of specific disabilities in order to address and cover their specific needs (e.g. deafblindness);

48. Calls on the Commission to promote the structural involvement of persons with disabilities and their representative family members and organisations in all decision-making phases, both at national and EU level, and to fund capacity building for organisations of persons with disabilities to enable them to participate in a structural way in all decisions that concern them; calls on the Commission to develop initiatives that promote self-advocacy and the political participation of persons with disabilities, and calls on the Member States to enhance national initiatives in this regard;

49. Calls on the Commission to promote the better coordination of support services between the Member States and the setting-up of contact points in all Member States so as to inform EU citizens with disabilities about their social rights and the support services they can receive;

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50. Calls on the Commission to create, in cooperation with the private sector, one portal that contains all the instruments aimed at providing optimal social participation for persons with disabilities;
51. Recalls the right of persons with disabilities to an adequate standard of living and social protection, in particular to financial assistance and respite care; calls on the Commission to ensure that the 2030 European Disability Strategy includes specific actions to promote inclusive social protection systems across the EU, which would guarantee access to benefits and services to people with disabilities across the life cycle; calls on the Member States to set a social protection floor for persons with disabilities that would guarantee their adequate standard of living;
52. Calls on the Commission and the Council to build on the Council recommendation on access to social protection<sup>(33)</sup> and the proposal for a regulation on the Coordination of social security systems (COM(2016)0815), to enable all EU citizens to access social support services across the EU, in line with a recommendation from the CRPD Committee;
53. Calls on the Commission and Member States to develop a comprehensive campaign that involves persons with disabilities, their representative family members and organisations, which is available in accessible formats, including an easy-to-read version, and national sign languages in order to raise awareness of the CRPD, the rights and needs of persons with disabilities and the barriers they face among persons with disabilities, duty-bearers and society in general; calls on the Commission and Member States to promote, coordinate and create educational material that can be used in the Member States in order to promote positive attitudes about persons with disabilities and to improve their inclusion;
54. Calls on the EU and the Member States to fund training for and by persons with disabilities, their organisations, trade unions, employers federations, equality bodies, civil servants on the principle of non-discrimination, including multiple and intersectional discrimination and reasonable accommodation;
55. Calls on all Member States to support and raise the profile of social work (i.e. social workers and people being active in social services);
56. Calls on the Commission to create a clear mechanism of responsibility, control and sanctions for the strategies;
57. Calls on all Member States to urgently tackle the issue of homelessness by adopting long-term, housing-led, integrated homelessness strategies at national, regional and local level and to recognise the particular risks experienced by people with disabilities, including those on the autism spectrum;
58. Calls on the Member States to affirm their commitment to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including the right to free movement and residence and the right to vote in elections, in line with Article 12 of the CRPD, and to ensure respect for their inherent dignity by implementing and closely monitoring the implementation of the post-2020 strategy with meaningful involvement of persons with disabilities and their representative family members or organisations, in cooperation with authorities, social partners and civil society at EU, national, regional and local level and to allocate adequate and sufficient human and financial resources to its implementation;
59. Calls on all Member States to develop their own national disability strategies for promoting disability equality mainstreaming and address the implementation of the CRPD;
60. Calls on the Member States to develop national strategies taking into account best practices from other Member States to ensure correct implementation of the CRPD;
61. Calls on the European Union and all Member States to ratify the Optional Protocol to the CRPD;
62. Calls on all Member States to report on the implementation of the European Disability Strategy;
63. Calls on Member States to report on the follow-up of the national recommendations made by the Committee on the Rights of Persons with Disabilities, after their evaluation of the implementation of the CRPD;

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<sup>(33)</sup> OJ C 387, 15.11.2019, p. 1.

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64. Stresses the importance of reaching an agreement as soon as possible; calls on the Council to break the deadlock in order to move towards a pragmatic solution and to speed up without further delay the adoption of the EU horizontal anti-discrimination directive tabled by the Commission in 2008 and subsequently approved by Parliament; considers it a precondition to secure a consolidated and consistent EU legal framework that protects people against discrimination on the grounds of religion and belief, disability, age and sexual orientation outside of employment; notes that no undue restriction of the scope of the directive should be accepted; considers that consolidating the EU legislative framework on tackling hate crime is also a crucial element, since similar crimes are also prevalent in the work environment;
65. Recommends that the EU structurally integrate the European Disability Strategy within the European Semester process;
66. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and candidate countries, the EU Agency for Fundamental Rights, the Court of Auditors, the Committee of the Regions, the European Economic and Social Committee, for distribution to subnational parliaments and councils, the Council of Europe, and the United Nations.
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P9\_TA(2020)0158

## Competition policy — annual report 2019

European Parliament resolution of 18 June 2020 on competition policy — annual report 2019 (2019/2131(INI))

(2021/C 362/04)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Article 101 to Article 109 thereof,
- having regard to the relevant Commission rules, guidelines, resolutions, public consultations, communications and papers on the subject of competition,
- having regard to the Commission report of 15 July 2019 on Competition Policy 2018 (COM(2019)0339) and to the Commission staff working document published as a supporting document on the same date,
- having regard to its resolution of 31 January 2019 on the Annual Report on EU Competition Policy <sup>(1)</sup>,
- having regard to the mission letter of 10 September 2019 from President-elect Ursula von der Leyen to Margrethe Vestager,
- having regard to the written and oral replies given by Commissioner-designate Margrethe Vestager at the hearing by the European Parliament on 8 October 2019,
- having regard to the Commission Communication — Commission Notice on the recovery of unlawful and incompatible State aid <sup>(2)</sup>,
- having regard to Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market <sup>(3)</sup>,
- having regard to Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediations services <sup>(4)</sup>;
- having regard to the opinion of the European Economic and Social Committee of 11 December 2019 on the Commission report of 15 July 2019 on Competition Policy 2018,
- having regard to the opinion of the Committee of the Regions of 5 December 2019 on the Commission report of 15 July 2019 on Competition Policy 2018,
- having regard to the report of 4 April 2019 entitled ‘Competition policy for the digital era’ by high-level experts from the Commission,
- having regard to the Preliminary Opinion of 26 March 2014 from the European Data Protection Supervisor on ‘Privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection in the Digital Economy’ and the Opinion 8/2016 of 23 September 2016 from the European Data Protection Opinion on ‘Coherent enforcement of fundamental rights in the age of big data’,

<sup>(1)</sup> Texts adopted, P8\_TA(2019)0062.

<sup>(2)</sup> OJ C 247, 23.7.2019, p. 1.

<sup>(3)</sup> OJ L 11, 14.1.2019, p. 3.

<sup>(4)</sup> OJ L 186, 11.7.2019, p. 57.

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- having regard to the Statement of 29 August 2018 from the European Data Protection Board on the data protection impacts of economic concentration,
  - having regard to the letter of 4 February 2020 sent to Commissioner Margrethe Vestager by the economic and finance ministers of France, Germany, Italy and Poland, as well as the joint contribution of Austria, Czechia, Estonia, Finland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden drafted in preparation for the upcoming March 2020 European Council,
  - having regard to the proposal of 4 July 2019 by France, Germany and Poland entitled ‘For a modernised European Competition Policy’,
  - having regard to the 2019 report by the European Consumers’ Organisation (BEUC) on ‘The Role of Competition Policy in Protecting Consumers’ Wellbeing in the Digital Era’,
  - having regard to the Commission’s decision of 7 January 2019 to prolong seven sets of EU State aid rules (State aid modernisation initiative for 2014-2020) until the end of 2022 and to launch evaluations in the meantime,
  - having regard to the Council conclusions of 22 March and 27 May 2019,
  - having regard to the statement of 18 December 2018 issued by 18 Member States at the 6th Friends of Industry ministerial meeting,
  - having regard to the report from report of the Strategic Forum for Important Projects of Common European Interest entitled ‘Strengthening strategic value chains for a future-ready EU industry’,
  - having regard to the ongoing revision of the guidelines on horizontal cooperation,
  - having regard to the public consultation on horizontal block exemption regulations,
  - having regard to the opinion of the European Economic and Social Committee of 19 June 2019 entitled ‘Towards an appropriate European legal framework for social economy enterprises’,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the opinions of the Committee on International Trade and the Committee on Agriculture and Rural Development,
  - having regard to the letter from the Committee on the Internal Market and Consumer Protection,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0022/2020),
- A. whereas competition and effective enforcement of competition policy must benefit all EU citizens, especially those in a weak consumer position, while promoting innovation and fair competition among businesses operating in the single market, in particular by ensuring that small and medium-sized enterprises (SMEs) have the opportunity to compete on a fair basis;
- B. whereas competition policy must be adapted to tackle digital, ecological, geopolitical, industrial and social challenges, and must be in line with the priorities outlined in the European Green Deal and the objectives of the Paris Agreement, in order to ensure a level playing field in all sectors as a cornerstone of the EU social market economy, while taking into account social economy enterprises;
- C. whereas global cooperation on competition enforcement helps to avoid inconsistencies in remedies and in outcomes of enforcement actions and helps businesses to reduce their compliance costs;
- D. whereas in fast-moving digital markets, competition policy could in some cases be excessively slow and therefore be at risk of being ineffective when it comes to remedying systemic market failures and reinstating competition; whereas complementary ex-ante regulation and monitoring could prove beneficial to ensure more effective oversight;

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- E. whereas European competition authorities should be equally attentive in order to avoid under-enforcement in digital markets, as the latter are wary of over-enforcement;
- F. whereas the primary objective of EU competition policy is to prevent the distortion of competition in order to preserve the integrity of the internal market and to protect consumers;
- G. whereas given that recent data scandals, investigations and evidence have shown how personal data is being collected, used and sold to third parties by platforms and how dominant technology players and platforms have been tracking consumers online systematically;

### ***The role of competition policy in globalised markets***

1. Points out that, in a globalised world, international cooperation is crucial to ensure effective competition enforcement; calls on the Commission to further develop the influence of EU competition policy in the world, in particular by continuing pertinent dialogue and stepping up cooperation with the USA, China, Japan and other third countries, where possible, via second-generation cooperation agreements that allow for a more effective exchange of information between competition authorities; supports the active participation of the Commission and the national competition authorities in the International Competition Network; encourages the Commission to seek at all times the inclusion of competition rules (covering also State aid) in EU free trade agreements (FTAs) and in the World Trade Organisation (WTO), in order to ensure mutual respect for fair competition; notes with regret the negative effect on the Commission of the paralysis within the WTO's Dispute Settlement Body;
2. Calls on the Commission to develop tools to facilitate better monitoring of foreign direct investment (FDI) in all Member States, to ensure a rapid implementation of the screening mechanism for FDIs and to propose a tool to strengthen the current mechanism, while ensuring that the European Union remains open and attractive for FDI; draws the Commission's attention to the fact that companies in third countries benefit from favourable treatment in their home market, which may distort competition when investing in the single market;
3. Calls on the Commission to ensure reciprocity with third countries in public procurement, State aid and in investment policy including taking into account social and environmental dumping; recalls the need to open up public procurement markets in third countries to which access does not yet exist; urges the Commission to work towards the accession of key third countries, such as China, to the WTO Agreement on Government Procurement with an acceptable initial offer; stresses that any instrument aimed at improving international market opening, such as the EU's International Procurement Instrument that are to be finalised by 2021 must avoid additional bureaucracy and new market distortions that have adverse effects on EU companies;
4. Calls on the Commission to guarantee fair competition between the European Union and the United Kingdom following its departure from the EU in order to ensure a level playing field and avoid dumping;
5. Fully supports the implementation of Important Projects of Common European Interest (IPCEI) such as the European Battery Alliance; calls on the Commission to further promote major IPCEIs in disruptive technologies, to simplify the relevant provisions and to streamline its requirements so that smaller industrial research projects are also approved;
6. Recalls the need for the Commission to apply State aid control equally to EU and non-EU operators to avoid asymmetries with foreign competitors and pay increased attention to foreign-based state-owned companies that are subsidised by their governments in ways that the EU single market rules prohibit for EU entities; invites the Commission to look at the recent proposal of the Dutch Government and investigate the option to add a pillar to EU competition law that gives the Commission appropriate investigative tools in cases where a company is deemed to have engaged in distortionary behaviour due to government subsidies or to have made excessive profits based on a dominant market position in its home country (e.g. by introducing state-aid checks on companies from third countries in EU public procurement rules);

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7. Reiterates its request for the Commission to examine whether possible distortions of competition arise from the corporate support purchase programme, especially between SMEs and multinational corporations;

8. Calls on the Commission to adopt a more favourable approach for strong EU industrial policy to ensure and maintain high competitiveness in global markets; stresses that the Commission and the Member States should promote and support EU projects of strategic interest and remove barriers and obstacles to enable the emergence of innovative EU leaders in specific priority sectors for the EU, while respecting the independent application of competition rules that safeguard a level playing field; clarifies that this approach should not be to the detriment of SMEs and consumers interests, should focus on the transition towards a more sustainable economy and a competitive EU data industry and digital infrastructure, such as the development of 5G;

9. Calls on the Commission to seize the opportunity of the revision of the guidelines on horizontal cooperation agreements to create a more flexible framework and increase legal certainty for companies; calls on the Commission to communicate more timely and efficiently to the holders of cooperation projects of a certain magnitude, and allow for the possibility of asking new questions as part of a voluntary fast-track notification procedure;

10. Welcomes the Commission's commitment set out in its notice of 9 December 1997<sup>(5)</sup> to review its definition of the relevant market so as to take into account a longer-term vision encompassing the global dimension, digitalisation and potential future competition; invites the Commission to continue to rely on sound economic and legal principles in its investigations, by following proportionality principles and due process, when looking into new types of markets;

11. Emphasises that an international level playing field in a rules-based multilateral trading system safeguarding states' policy-making scope is key for Europe, including European companies and in particular SMEs, as well as for workers and consumers; considers that it contributes to boosting sustainable economic development, ensuring a stable and predictable environment, pursuing enhanced competitiveness and reciprocity, securing and creating decent jobs in the EU and third countries, and ensuring high labour and environmental standards, since an increasing number of jobs are dependent on global value chains; stresses in this regard the importance of increased transparency, sustainability and corporate accountability in global value chains, and calls on the EU to consider, among other measures, establishing a legal framework for mandatory due diligence in global value chains as a necessary step for achieving this;

12. Invites the Commission, in the light of the growing debate, to reconcile the EU competition rules, industrial policy and international trade, which must go hand in hand with sustainability and respect for the environment; underlines the specific need for research funding as the basis of innovation and development for European businesses and as a key element for boosting trade and competitiveness;

13. Underlines that SMEs play a vital role in international trade, accounting for an estimated 30 % of the EU's goods exports to the rest of the world<sup>(6)</sup>; considers that the internal market continues to be, by far, the most important market for SMEs; recalls that, in order to help SMEs cope with the greater challenges of entering new markets and enable them to compete on their own merits, EU trade and competition policy should contribute to economic diversity and an SME-friendly trade environment, and that this should include considering modernising the EU's definition of SMEs, in particular by adding qualitative criteria;

14. Fully supports the Commission's efforts in the context of the ongoing reform of the WTO, including its Appellate Body, to update and make effectively enforceable the multilateral rules on subsidies or sectoral initiatives in order to adequately address the issue of subsidies at international level, with particular reference to industrial subsidies, state-owned enterprises and forced technology transfers, and to act to counter non-market-oriented policies and practices of third countries; calls on the Commission to fully involve Parliament and the Member States in this area;

<sup>(5)</sup> OJ C 372, 9.12.1997, p. 5.

<sup>(6)</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/International\\_trade\\_in\\_goods\\_by\\_enterprise\\_size](https://ec.europa.eu/eurostat/statistics-explained/index.php/International_trade_in_goods_by_enterprise_size)



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15. Stresses that effective enforcement of the sustainable development provisions of trade agreements is important for ensuring fair competition and environmental and social standards; welcomes, in this perspective, the introduction of environmental and social criteria in the reform of anti-subsidy and anti-dumping measures; considers that the possible inclusion of precise, justiciable International Law Organisation (ILO) core standards under WTO law could also be explored in the context of the ongoing WTO reform and in order to contribute to a global level playing field;

16. Welcomes, in this context, the ongoing plurilateral WTO negotiations on e-commerce, and calls for a comprehensive and ambitious set of rules that will address digital trade barriers, ensure that companies can compete worldwide in a level playing field, and enhance consumer trust in the online environment without detriment to European data protection standards; emphasises that the EU should take a leading role in these international negotiations, with close consultations that involve the European Parliament, Member States and stakeholders, including civil society;

17. Considers that access to the EU internal market is to be contingent on compliance with sanitary, phytosanitary and environmental standards; calls on the Commission to ensure the EU trade and competition policy doesn't undermine the respect of EU social and ecological standards or undermine the development of more ambition standards;

18. Calls on the Commission to properly analyse and study the public procurement markets of the third countries with which it has or is negotiating a free trade agreement, in order to negotiate the best access conditions for European companies;

19. Calls on the Commission to coordinate the necessary action by the Directorates-General involved — DG Trade and DG Competition — to ensure that the competition rules and their implementation guarantee fair competition for European companies in third-country markets, and vice versa;

20. Calls on the Commission to pay particular attention to the role of international standard-setting for fair competition; insists that the EU should strengthen its multilateral approach to standard-setting, in particular in the context of the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC); warns against the nationalisation of standard-setting approaches, particularly in the context of China's Belt and Road Initiative and other connectivity-enhancing strategies; calls on the Commission to establish a high-level coordinator for standardisation policy in this context;

21. Highlights the importance of incorporating a gender-based perspective both at multilateral and bilateral level, including gender chapters in trade agreements and designing gender-sensitive measures (e.g. ensuring that both *ex ante* and *ex post* impact assessments include the gender impact of EU trade policy and agreements), in order to boost competition and promote inclusive economic growth;

***Adapting competition to the digital age***

22. Calls on the Commission to review merger and acquisition rules and strengthen antitrust action and to take into account the effects of market and network power associated with both personal and financial data; calls, in particular, on the Commission to adjudge the control of such data as a proxy for the existence of market power under its guidance on Article 102 of the TFEU; invites the Commission to learn from the merger between Facebook and WhatsApp and adapt its criteria accordingly; proposes, therefore, that every merger in the market for such data should be subject to prior informal declaration;

23. Calls on the Commission to review the notion of 'abuse of a dominant position' and the 'essential facilities' doctrine to ensure that they are fit for purpose in the digital age; suggests a broader analysis of market power in connection to conglomerate and gatekeeper effects to fight the abuse of dominance of large operators and lack of interoperability; calls on the Commission to carry out a stakeholder consultation to reflect the evolution of the digital economy, including its multi-sided nature;



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24. Calls on the Commission to consider revising the thresholds for a merger review in order to include factors such as the number of consumers affected and the value of the related transactions as part of its ongoing evaluation of the Merger Regulation (7);

25. Calls on the Commission to assess higher levels of concentration due to horizontal ownership by large asset management companies in its ongoing evaluation of the Merger Regulation and consider providing guidelines on the use of Article 101 and Article 102 of the TFEU in this respect;

26. Notes that in several specific markets for financial data (e.g. equity trading, ratings and benchmarks), oligopolistic concentration may lead to cases of abuse of dominant positions by suppliers with investors and consumers of financial data; calls on the Commission to take resolute action against such abuses of dominant positions, which are harmful to the fluidity of financial markets and run counter to the interests of sustainable development;

27. Stresses that, while a number of start-ups are created in the hope of an acquisition by a larger firm, the buying-out of start-ups by dominant players, including big technology companies and platforms, might stifle innovation and threaten sovereignty; calls on the Commission and the national competition authorities to look into the practices of such acquisitions and their effects on competition, especially with regard to 'killer acquisitions', as defined in its high-level expert report of 4 April 2019 entitled 'Competition policy for the digital era'; calls on the Commission to conduct a study on the reversal of burden of proof as per the Act on Digitalisation of German Competition Law ('GWB-Digitalisierungsgesetz') published in October 2019;

28. Asks the Commission to assess how more demanding regimes of data access, including data interoperability, can be imposed in particular when data access opens up secondary markets for complementary services or when data is confined to dominant firms;

29. Stresses that some entities, which benefit from dual status as both platforms and suppliers, abuse their position to impose unfair terms and conditions on competitors, independently of whether they are active online or offline; calls on the Commission to look into the issue of self-preferencing and enforce the necessary laws and use the instruments required on those entities that practice self-preferencing; calls on the Commission to assess the possibility of imposing *ex ante* regulatory obligations where competition law is not enough to ensure contestability in these markets, therefore avoiding competitors' foreclosure and ensuring that emerging bottlenecks are not perpetuated by the monopolisation of future innovation;

30. Notes that the Commission is reflecting on the need for targeted *ex ante* regulation on specific systemic issues that may arise in digital markets; calls, therefore, on the Commission to introduce a centralised *ex ante* market monitoring system (while taking into account the results of an impact assessment), to provide EU and national competition and regulatory authorities with the necessary means to gather data anonymously so as to be able to better detect market failures in due time, and — where appropriate — to introduce targeted regulation when practices become systemic;

31. Invites, therefore, the Commission to identify the key digital players and establish a set of indicators to define their systemic nature; stresses that the following indicators could be considered: abuse of practices of certain extensive networks, control of a significant volume of non-replicable data, an unavoidable situation on a multifaceted market or the player's ability to define market rules themselves;

32. Draws the Commission's attention to acquisitions carried out by foreign monopolies of digital data operators, including health, financial and educational data, and to the privacy risks involved, which extend far beyond the already damaging effects of transactions of this kind on competition; calls on the Commission to take those aspects into account regarding the upcoming European strategy for data and to investigate the cross-usage of data, where data originating from one service is used to expand the platforms' offering to new services;

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(7) OJ L 24, 29.1.2004, p. 1.

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33. Welcomes the Commission's European data strategy presented on 19 February 2020, the aim of which is to enhance the use of data to benefit consumers and businesses; supports the Commission's intention to legislate on data use and access; underlines the importance of protecting consumers' personal data and how it is shared in order to increase consumer safety and trust; stresses that consumers must be reassured that their data remains secure, and that cooperation across the board on data security therefore needs to be prioritised; emphasises that a clause on not selling personal data to third parties without the consent of the data subject concerned should likewise form a key element of the strategy;

34. Stresses that, while intermediation platforms play a major role in providing access to consumers for online services, some abuse their privileged position by acting as gatekeepers, including in closed ecosystems and online marketplaces; calls on the Commission to give explicit attention in its competition policy to these gatekeepers and to conclude its ongoing investigations as soon as possible;

35. Urges the Commission to increase freedom of choice for consumers, to strengthen the role of the European Consumers Centres Network (ECC-Net) and to conduct a study on whether an EU consumers authority is needed; notes, in that context, that competition policy is not only about ensuring fair prices for consumers but also providing quality, variety and innovation;

36. Stresses that it is in the interest of the European Union to have pan-European payment systems; calls on the Commission to support initiatives that meet this objective and to recognise that their success is contingent both on the innovative nature of the system for consumers and businesses and on the viability of its economic model;

#### ***Effectiveness of competition policy instruments***

37. Stresses that fines can have an impact on the reputation of the companies penalised; points out, nevertheless, that even when heavy fines are imposed, they often are not enough of a deterrent and may ultimately be passed on to consumers; calls on the Commission to also make use of alternative behavioural and, if need be, structural remedies in order to fully ensure the effectiveness of EU competition policy; stresses that the cease-and-desist order should be much more prescriptive in upcoming remedies;

38. Recalls that abuse of market power can take place even when products or services are supplied for free; believes that the passing on of private data to third parties for marketing or commercial purposes is frequently done without the consumer's proper consent, as alternatives to sharing data are often not provided; considers that in the digital economy, the concentration of data in a small number of companies leads to market failures, excessive rent extraction and a blocking of new entrants;

39. Recalls that the online search market is of particular importance when ensuring competitive conditions in the digital single market; notes with regret that one search engine that has over 92 % of market share in the online search market in most of the Member States has become a gatekeeper of the Internet; calls for input from all stakeholders, covering the past nine years of antitrust history, to be used to urgently assess if remedies proposed truly benefit consumers, internet users and online businesses in the long term; calls on the Commission to consider a proposal aimed at unbundling search engines – as outlined in Parliament's resolution of 27 November 2014 on supporting consumer rights in the digital single market <sup>(8)</sup> – from their commercial services in order to end the status quo, which could be a potential long-term means of achieving fair and effective competition in the European digital market;

40. Stresses the slowness of the antitrust investigations, such as the Google Shopping case, compared to the fast-moving digital markets; stresses the damaging effect resulting from this situation and the financial and structural risks to which some actors are exposed if they initiate lengthy and costly proceedings; stresses that due process must be respected, but calls on the Commission to make use of fast-track antitrust procedures and to find new incentives, such as the leniency programme, to make companies more cooperative when it comes to tracking down cartels across the EU;

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<sup>(8)</sup> OJ C 289, 9.8.2016, p. 65.

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41. Stresses the need to regularly look at the possibility of using interim measures to stop any practice that would seriously harm competition; calls on the Commission to relax the criteria for these measures, while respecting the rule of law, in order to avoid any irreversible damage; calls on the Commission to revise the Notice on Remedies <sup>(9)</sup> by taking into account the developments and evolution of the digital sector over the last years;

42. Welcomes the Commission's continued efforts to address abusive behaviour by large platforms; calls on the Commission to revisit cases where the remedies offered have clearly been ineffective at restoring competition to the market, as in the case of Google Shopping; stresses that, in the absence of targeted and effective behavioural remedies that have been tested in advance with the affected undertaking, a complete structural separation of general and specialised search services, including local search, may be necessary; underlines that compared with structural remedies, behavioural remedies could offer a time-efficient solution, mitigating the possibility that competitors are forced out of the market during prolonged discussions on divestiture;

43. Points out the need for the Commission to allocate adequate resources to be able to effectively enforce EU competition rules; notes the need to ensure specific expertise, especially on growing issues such as dominant positions of online platforms or artificial intelligence;

44. Calls on the Commission to issue guidance on the interpretation of 'significant impediment to effective competition', as set out in the Merger Regulation, so that in cases of mergers, the Commission does not only look at prices, output and innovation but also pays attention to the social and environmental costs of such transactions in light of TFEU principles, and to pay particular attention to environment protection;

45. Calls on the Commission to inquire about this new checking account service that will be provided to consumers by some of the world's biggest tech companies in forthcoming years; urges the Commission to give particular focus to their entry into this new digital financial market and the huge amount of data they will gather from their consumers and the potential use of it;

### ***Competition rules supporting the European Green Deal***

46. Welcomes the Commission communication on the European Green Deal and the objectives set out therein to support a cost-effective transition to climate neutrality by 2050 and to phase out fossil fuels; supports the commitment to revise EU State aid guidelines by 2021 in order to reflect these objectives;

47. Supports the Commission's review of the State aid guidelines in all relevant sectors, such as in transport, including air and maritime, in line with the objectives of the European Green Deal by applying the just transition principle and acknowledging the complementary role of the Member States' governments to support investments in decarbonisation and clean energy while ensuring a level playing field and that there is no market distortion; calls on the Commission to examine, in the context of the review of the Energy Taxation Directive <sup>(10)</sup>, whether the current tax exemptions provide for unfair cross-sector competition conditions; calls on the Commission to examine whether the tax exemption for kerosene results in a distortion of competition that benefits the aviation sector;

48. Calls on the Commission, as part of the upcoming revision of the Guidelines on State aid for environmental protection and energy, to provide for greater flexibility for aid granted to citizen-generated renewable energy, in line with the EU's climate commitments;

49. Stresses the need for the Commission to prevent any potential negative side-effects where larger companies use public aid granted in view of 'greening' their business models for other objectives such as reinforcing its dominant position in a given sector;

50. Calls on the Commission to provide further guidance and an enabling framework for further investments in energy efficiency and building renovation, as well as on repowering, hybrid projects and electricity storage;

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<sup>(9)</sup> OJ C 267, 22.10.2008, p. 1.

<sup>(10)</sup> OJ L 283, 31.10.2003, p. 51.

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51. Underlines in this regard that in order for the European Green Deal to be successful, European producers of sustainable products and services need to see the advantages of it and not face unfair competition from companies in third countries;

52. Notes that the European Green Deal must ensure policy consistency between agriculture, climate action, environment and trade;

### ***Sectoral policies***

53. Calls on the Commission to make more systematic use of investigations in sectors that are essential to the everyday life of citizens, such as health, mobility, online advertising, energy, tourism, including monitoring price caps of online accommodation platforms, culture, financial and payment services, and the media, in the digital age, while maintaining the EU's high standards;

54. Calls on the Commission to take note of the presence of national monopolies and oligopolies as a potential signal of the existence of weaknesses in the single market or barriers to fair competition;

55. Requests that the Commission carry out a preliminary study on the concentration of media ownership in Europe, also in the context of multinational corporations buying out European media providers;

56. Reiterates that taxation is sometimes used to grant indirect State aid, creating an uneven playing field in the internal market; calls on the Commission to update its existing guidelines on the notion of State aid to ensure that the Member States do not grant State aid in the form of a tax advantage; deplores the abuse of tax rulings and welcomes the recent judgments of the General Court confirming that examination by the Commission of a tax ruling under a State aid point of view does not constitute tax harmonisation; observes that Commission rulings are often challenged in court and therefore need to be thoroughly prepared; insists that the Commission have access to the information exchanged between the Member States' tax authorities so as to better detect violations of competition rules; calls for the adoption of the proposal on the Common Consolidated Corporate Tax Base (CCCTB) and the public country-by-country reporting;

57. Calls on the Commission to look into the possibility to fine countries found in breach of State aid rules;

58. Calls on the Commission to examine swiftly the discrepancies between the rules on State aid in the area of liquidation aid and the resolution regime under the Bank Recovery and Resolution Directive<sup>(11)</sup> ('BRR Directive'), and to revise its Banking Communication of 30 July 2013<sup>(12)</sup> accordingly, including in light of recent cases, taking into account the need to protect taxpayers;

59. Calls the Commission to have a close look at cases in the banking sector with potential competitive relevance in certain Member States where consumers currently face high interest rates<sup>(13)</sup> and a lack of transparency when it comes to loans, potentially due to concentration of ownership in the banking sector, which could lead to deceptive selling practices of mortgages;

60. Calls on the Commission to re-evaluate on an annual basis whether the requirements for the application of Article 107(3)(b) of the TFEU in the financial sector continue to be fulfilled;

61. Calls, further, on the Commission to investigate thoroughly and to propose further measures to address the quasi monopoly of the 'Big Four' accountancy companies auditing the largest listed companies, such as the separation of audit from consulting services, and the setting up of mandatory 'joint audit' to enable firms outside the Big Four to develop the capacity needed to review the biggest companies;

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<sup>(11)</sup> OJ L 173, 12.6.2014, p. 190.

<sup>(12)</sup> OJ C 216, 30.7.2013, p. 1.

<sup>(13)</sup> [https://data.worldbank.org/indicator/FR.INR.LNDP?locations=RO&most\\_recent\\_value\\_desc=false](https://data.worldbank.org/indicator/FR.INR.LNDP?locations=RO&most_recent_value_desc=false)

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62. Calls on the Commission to guarantee fair competition and greater transparency in offline platforms' commercial practices, including supermarket and hypermarkets, so as to ensure that EU producers receive fair conditions and prices for their products; calls on the Commission to continue its in-depth analysis on the extent and effect of buying alliances, related to both pricing and non-pricing strategies, on the economic functioning of the agricultural and food supply chain, taking particular account of the effects on small-scale suppliers and farmers; regrets the fact that selling at a loss is not on the list of practices that are prohibited at EU level; highlights that the Farm to Fork strategy and EU competition law must recognise the important contribution made by primary producers in supplying high-quality food and delivering public goods to society;

63. Calls for a clearer, more flexible and more predictable application of competition rules to producers and producer organisations (POs) so as to increase legal certainty; calls, therefore, on the Commission to assess the implementation and clarify the provisions of Single Common Organisation of the Markets (CMO) Regulation <sup>(14)</sup>, in particular with regard to the exceptions to competition rules granted to certain agreements and practices of farmers in association; encourages the establishment of more POs as a way for farmers to strengthen their position and effectively negotiate on price and tackle the imbalances in power within the food supply chain;

64. Calls on the Commission to exempt from State aid rules tax provisions specifically introduced by Member States to encourage farmers to set up voluntary precautionary savings with a view to coping better with the upsurge in climate-driven and health risks, as well as economic crises; welcomes the completion of the review of the De Minimis Regulation <sup>(15)</sup>, which will help farmers to address climate challenges while preventing any market distortions; highlights the particular need for clear guidelines for the agricultural sector owing to the environmental and sustainability requirements; welcomes the ongoing fitness check of the 2012 State aid modernisation package and the ongoing revision of the Agricultural Block Exemption Regulation <sup>(16)</sup>;

65. Calls on the Commission to assess the implementation and clarify the scope of Article 209 of the Single CMO Regulation, specifically with regard to the exceptions to competition rules granted to certain agreements and practices of farmers in associations, in order to provide those concerned with greater clarity and legal certainty when this article is implemented, and to give the Commission greater flexibility in implementing this article;

66. Recognises the role of interbranch organisations in the chain, which serve as a platform for dialogue, research and development, best practices and market transparency;

67. Calls for the role of interbranch organisations to be strengthened in order to promote more balanced relationships in the food chain, and supports the extension of the value-sharing clause to cover all operators rather than just the first purchaser, in line with the draft report adopted in April 2019 by Parliament's Committee on Agriculture and Rural Development on the new common organisation of the markets in agricultural products as part of the next reform of the common agricultural policy (CAP);

68. Calls for an automatic express exemption from Article 101 of the TFEU to be provided under Article 210 of the Single CMO Regulation, subject to the principles of necessity and proportionality, allowing agricultural interbranch organisations to accomplish the tasks assigned to them by the Single CMO Regulation, with a view to furthering the aims of Article 39 of the TFEU;

69. Calls on the Commission to ensure that the provisions of Article 222 of the Single CMO Regulation are activated swiftly in order to address serious market distortions;

70. Welcomes the success of the supply management measures introduced for quality cheese and ham at the request of POs, interbranch organisations and groups of operators; calls for the provisions of the Single CMO Regulation authorising the introduction of supply control rules to be extended to cover all products benefiting from a protected designation of origin (PDO) or a protected geographical indication (PGI) in order to achieve a better balance between supply and demand;

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<sup>(14)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(15)</sup> OJ L 352, 24.12.2013, p. 1.

<sup>(16)</sup> OJ C 213, 8.9.2009, p. 9.

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71. Asks the Commission to engage in dialogue with all relevant stakeholders on the functioning of the agricultural and food supply chain, and to adapt EU competition policy in line with the most recent developments in the trading environment;

72. Welcomes the adoption of Directive (EU) 2019/633 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain<sup>(17)</sup>, which represents an important first step in ensuring fairness between operators and in addressing the imbalance of the bargaining power within the food supply chain; urges Member States to transpose the directive without delay and calls on the Commission to monitor the progress of transposition closely and to promote the sharing of best practices between Member States; encourages Member States to list further unfair practices as prohibited and set higher standards;

73. Recalls that significant horizontal and vertical restructuring has taken place, which has led to further consolidation in the already concentrated seed, agro-chemical, fertiliser, animal genetics and farm machinery sectors, as well as in processing and retailing; calls on the Commission, when assessing mergers in these sectors, to consider impacts beyond consumer prices; stresses that the interests of EU farmers, citizens and the environment must be protected, by comprehensively and holistically assessing the impact, at farm level, of mergers and acquisitions among agricultural input suppliers, including producers of plant protection products;

74. Considers it essential that the Commission continue its detailed monitoring of the EU market for pesticides, seeds and traits, and monitor the impact of digitalisation on the agricultural sector;

75. Urges the Commission to set up a permanent EU-level information platform on risk management tools to help farmers cope with the uncertainty of climate, market volatility and other risks where stakeholders can exchange best practices, as set out in its communication on the future of food and farming from November 2017;

76. Points out that large disparities in direct payments hamper sustainable farmers' initiatives for the climate and the environment and distort competition in the EU; recalls the commitment made by the European Council on 7-8 February 2013 to harmonise payments throughout the EU by 2020;

77. Draws attention to the growing number of farmers' protests and notes that the cumulative impact of free trade agreements (FTAs) on the EU's agri-food sector is one of their concerns; questions whether FTAs leave EU agri-food producers at a competitive disadvantage, given differences in social, health, labour, environmental and animal welfare standards in third countries; therefore calls on the Commission to present, as soon as possible, its latest report on the cumulative impact of ongoing and future trade deals, and calls for the application of the principles of reciprocity and compliance for agricultural products and for the protection of vulnerable sectors in future and ongoing trade negotiations, ensuring that all necessary inspections are carried out;

78. Welcomes the proposal for a regulation on the single market programme, and, more specifically, the food chain actions supported therein, such as veterinary and phytosanitary measures, to address animal and plant health crises; urges the Council and Parliament to swiftly conclude the negotiations and adopt the regulation;

79. Underlines the importance of timely conclusions to the Commission's two proposals for transition regulations, in order to avoid delays and complications that could lead to market instability;

80. Considers it essential to keep within DG AGRI all competencies relating to the application of Articles 209 and 210 of the Single CMO Regulation and to State aid for the development of agricultural and forestry sectors and of rural areas, thereby ensuring the expertise needed to address and coordinate matters in this area, which is necessary given the specific nature of these sectors and is fully consistent with the objectives and support provided under the CAP;

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<sup>(17)</sup> OJ L 111, 25.4.2019, p. 59.



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81. Calls on the Commission to continue to pay particular attention to the provision of services of general economic interest (SGEI) when applying State aid rules, especially in the context of isolated, remote or peripheral regions and islands in the Union; notes certain difficulties in applying the rules of the Almunia package for certain SGEIs, such as the postal sector, whose public service missions may, in accordance with EU law, be defined and organised at national level;
82. Recalls the need for a roadmap for better-targeted State aid, especially for the delivery of services of general economic interest including energy, transport or telecommunications;
83. Reiterates its call for coal regions to be identified as assisted areas so that EU aid rules can be adapted to allow the adoption of measures dealing with the necessary structural changes, pending clear commitments from the companies operating in these regions to take concrete action towards carbon neutrality and EU climate objectives; recalls that those activities traditionally part of corporate social responsibility should not be subject to a privileged State-aid treatment;
84. Welcomes that the Commission has included in its targeted review of the General Block Exemption Regulation (GBER) <sup>(18)</sup> the extension of this scheme to European Territorial Cooperation projects (also called Interreg);
85. Is concerned about asymmetric treatment of EU-funded operations depending on whether they are supported on EU side by cohesion policy resources or other EU funds or programmes such as Horizon2020/Horizon Europe or EFSI2.0/ InvestEU as proposed by the Commission in its GBER review; believes that a level playing field should be maintained for projects that are similar in nature, but different in financing sources as this would privilege certain funding schemes while crowding out others;

#### ***A better focus on citizens through Parliament***

86. Calls, without Treaty change, for regular use of the ordinary legislative procedure in competition policy, by analogy with the procedure for the Antitrust Damages Directive <sup>(19)</sup> and the ECN+ Directive;
87. Calls on the Commission to report regularly to Parliament on the implementation and monitoring of cooperation agreements with reference to competition, on the screening of foreign direct investments; calls on the Commission to maintain high transparency standards;
88. Stresses its desire to play a greater role in determining and developing the general framework for competition policy; notes that Parliament should be more involved in the activity of working parties and expert groups, such as the International Competition Network (ICN), as an observer to get a better knowledge of the matter and keep it updated on the developments in order to be more prepared for its role as co-legislator; calls on the Commission to particularly involve Parliament when devising soft-law instruments such as notices and guidelines;
89. Calls on the Commission to organise multisectoral and interinstitutional forums involving industry, national regulators including data protection authorities, consumer groups and other relevant stakeholders to decartmentalise competition policy;
90. Stresses that the current complaint form for State aid cases requests many specific details on when the State aid had been accorded, which ordinary citizens cannot possibly know; calls, therefore, on the Commission to simplify the complaint form in order to give ordinary citizens the possibility to send in complaints;
91. Notes with regret the lack of information provided during the Commission's investigation of submitted complaints; calls on the Commission to give the complainant a confirmation of receipt and a notification upon the launch of the investigation, including an expectation of the length of the investigation;

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<sup>(18)</sup> OJ L 187 26.6.2014, p. 1.

<sup>(19)</sup> OJ L 349, 5.12.2014, p. 1.

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92. Recalls the importance of coordination with national competition authorities and calls on the Commission to present to Parliament an assessment of the implementation of the ECN+ Directive; recalls that in the annex of the ECN+ Directive the Commission identified 'interim measures' as 'a key tool for competition authorities to ensure that competition is not harmed while an investigation is on-going'; recalls the need to assess whether there are means to simplify the adoption of interim measures in the ECN within two years from the date of transposition of the Directive in order to enable competition authorities to deal more effectively with developments in fast-moving markets;

93. Points out that the political independence of competition authorities is of utmost importance to ensure the impartiality and credibility of competition policy; recognises that preventing distortion of competition requires public scrutiny of lobbying efforts in all EU institutions; reiterates, therefore, its calls for an enhanced EU Transparency Register; insists that there be a more regular exchange with the Commission, in line with the inter-institutional agreement with Parliament; calls on the Executive Vice-President for competition to stay in close contact with the ECON committee and with its Competition Working Group, which is an appropriate place for establishing a more regular dialogue;

94. Recalls the commitment made by the Executive Vice-President of the European Commission for Europe Fit for the Digital Age during her confirmation hearing on 8 October 2019 to keep her digital policy and competition portfolios strictly separate;

***Competition policy responses to COVID-19***

95. Welcomes the prompt reaction of the Commission to adopt a Temporary Framework for State Aid support and its two amendments and the conditions it provides to help companies affected by the crisis; supports the Commission and Member States in applying the full flexibility provided by the Temporary State aid Framework during the COVID-19 crisis;

96. Supports the application of the Temporary State Aid Framework for as long as necessary during the recovery period; calls on the Commission to evaluate in due time whether this Temporary Framework should be extended beyond the end of 2020 if necessary;

97. Welcomes the conditions set out by the second amendment to the Temporary Framework on the recapitalisation of aid to companies especially with regards to the ban on dividend payments, share buybacks and distributions of bonuses, for banks and other companies as well as the safeguards against predatory actions on other EU firms against firms which have received State aid;

98. Welcomes the fact that State aid granted to banks within the Temporary State Aid Framework ensures the financing of the economy and helps guarantee financial stability while operating within the strong existing legislative framework provided by the BRR Directive and resolution rules;

99. Underlines the risk of market distortions and of generating an unlevel playing field due to increased divergences between the levels of State aid support granted by Member States; notes the Solvency Support Instrument which is part of the Next Generation EU Recovery Plan, to address the risks these divergences pose to the integrity of the single market;

100. Welcomes the extraordinary financial means and State aid provided to support businesses and workers when countering the pandemic's economic fallout; calls on the Commission to set common minimum standards in order to specify the requirement for companies receiving financial assistance to be in line with ESG criteria and taxation transparency, so as to avoid different national criteria giving rise to further discrepancies and to demonstrate how the public support received is used to align their operation with the EU's climate and environmental objectives and the Paris Agreement; recalls that aid should only be granted to cover the losses incurred due to COVID-19; underlines that State aid should only be granted to companies facing the immediate effects of COVID-19 and not those that were already financially unhealthy pre-crisis; urges that companies registered in tax havens should be banned from accessing State aid or financial support packages if they do not commit to changing their behaviour;



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101. Welcomes the Commission's communication on the Temporary Framework for assessing antitrust issues related to business cooperation in response to the current COVID-19 outbreak; underlines that the Commission issued its first comfort letter since 2003; highlights that this crisis has stressed the need for quick and effective answers in a fast-paced environment and underlines the benefits of participative antitrust and of providing legal certainty to companies when entering into business cooperation in key strategic sectors;

102. With regard to the impact of the pandemic, highlights the need to reinforce the economic resilience of key European sectors, boosting our economic recovery through research and innovation; calls on the Commission to adopt a more dynamic approach when revising the 1997 Communication on market definition, making the innovation criteria as a core element of the relevant market analysis when it comes to European merger control; calls on the Commission to assess, as part of its fitness review, the possibility of adopting a more favourable approach towards cooperation and research and development agreements;

103. Underlines that the pandemic has made companies vulnerable to foreign bids; notes that the COVID-19 crisis revealed shortcomings in EU supply chains and a lack of EU strategic sovereignty in areas such as medical products or food and the need to safeguard critical EU companies and assets from hostile takeovers conducted by large dominant players;

104. Underlines that it is a matter of utmost priority to step up the EU's efforts to forcefully counter unfair competition and hostile behaviour from foreign state owned entities (SOEs) or government linked companies (GLCs) towards vulnerable European companies, which are struggling to survive the economic downturn of the COVID-19 pandemic, as such behaviour aims to take control of key European technologies, infrastructure and expertise; calls on the Commission, therefore, to propose immediately a temporary ban on foreign takeovers of European companies by SOEs or GLCs from third countries;

105. Welcomes the initiatives by social media platforms to combat fake news and disseminate official World Health Organization information on COVID-19 via their platforms; warns, however, against these platforms, which already had very significant market power before the crisis; supports the Commission's call for a study on platforms with significant network effects that act as gatekeepers, to be carried out as part of the upcoming ex ante regulation framework proposal, providing it does not lead to further delays; calls on the Commission to ban platforms from displaying micro-targeted advertisements and to increase transparency for users; endorses the cooperation on the development of contact tracing apps of significant non-European players in the smartphone operating system market; calls on the Commission to ensure that data collection will not further entrench the market power of a few dominant players;

106. Underlines that the COVID-19 crisis poses an existential risk for an unprecedented number of businesses all around the EU and has caused a huge surge in unemployment rates; calls on the Commission to assess whether the failing firm defence concept currently applied is fit for purpose for the current crisis; strongly believes that competition policy and industrial policy can together help to build European sovereignty in a sustainable way; welcomes the Commission's Industrial Policy Strategy;

107. Acknowledges the efficient and effective work carried out by the Commission during the COVID-19 crisis; underlines that a significant amount of human resources had to be reallocated to monitoring State aid given the exceptional circumstances; calls for more information on the state of play of Directorate-General for Competition staff resources and their evolution during this mandate;

108. Urges the Commission to better inform Parliament about its ongoing work, in particular the revision of the definition of the relevant market and the revision of the State aid guidelines; calls on the Commission to provide Parliament with a detailed evaluation presenting the repartition of the global amount of State aid authorised within the Temporary State aid Framework by Member State, sector and type of aid authorised (grants, guarantees, etc.) as well as any additional conditions applied by the Member States; believes that a panoptic and detailed evaluation would provide the Members of the European Parliament with an overview of the economic measures taken at national level as well as with specific details on the type of aid, type of beneficiaries and method of approval, if any; underlines that the State aid scoreboard, which includes several tables and graphics on State aid and their impact on the internal market, should be updated in a timely manner;

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109. Calls on the Commission to present to Parliament and the Council, after the crisis, a communication on the effects of the COVID-19 pandemic on market competition and competition law enforcement, the integrity of the single market and the future of competition policy;

110. Calls on the Commission to make it compulsory for banks receiving State aid to retain their full retail banking/consumer banking services and to ensure that banks are not allowed to use the COVID-19 crisis as a pretext for permanently reducing such services;

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111. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments and national competition authorities.

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Friday 19 June 2020

P9\_TA(2020)0164

**The reopening of the investigation against the Prime Minister of the Czech Republic on the misuse of EU funds and potential conflicts of interest****European Parliament resolution of 19 June 2020 on the reopening of the investigation against the Prime Minister of the Czech Republic on the misuse of EU funds and potential conflicts of interest (2019/2987(RSP))**

(2021/C 362/05)

*The European Parliament,*

- having regard to Articles 13(2) and 17(3) of the Treaty on European Union (TEU),
- having regard to its previous decisions and resolutions on discharge to the Commission for the years 2014, 2015, 2016, 2017 and 2018,
- having regard to the administrative investigations conducted by the European Anti-Fraud Office (OLAF) into the project in the Czech Republic known as ‘Stork Nest’, which found ‘serious irregularities’,
- having regard to the fact-finding mission to the Czech Republic undertaken by the Committee on Budgetary Control on 26 and 27 March 2014,
- having regard to its resolution of 13 December 2018 on conflicts of interest and the protection of the EU budget in the Czech Republic <sup>(1)</sup>,
- having regard to Czech Act No 159/2006 of 16 March 2006 on conflicts of interest, Article 4(c) of which entered into force in February 2017,
- 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 <sup>(2)</sup> (the new Financial Regulation), which entered into force on 2 August 2018, and in particular to Article 61 thereof,
- having regard to Articles 144 and 145 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund <sup>(3)</sup>,
- having regard to the questions and complaint sent to the Commission regarding the potential conflict of interest in the Czech Republic <sup>(4)</sup>,
- having regard to the opinion of the Commission’s Legal Service of 19 November 2018 entitled ‘Impact of Article 61 of the new Financial Regulation (conflict of interests) on payments from the European Structural and Investment (ESI) Funds’,
- having regard to the press conference given by the Chief Public Prosecutor on 4 December 2019 regarding the reopening of the investigation into the Prime Minister of the Czech Republic for the misuse of EU funds,

<sup>(1)</sup> Texts adopted, P8\_TA(2018)0530.

<sup>(2)</sup> OJ L 193, 30.7.2018, p. 1.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 320.

<sup>(4)</sup> [https://www.europarl.europa.eu/doceo/document/P-8-2019-001656\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-8-2019-001656_EN.html)

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- having regard to its plenary debate of 18 December 2019 on conflicts of interest and corruption affecting the protection of the EU's financial interests in the Member States,
  - having regard to its plenary debate of 15 January 2020 on the reopening of the prosecution against the Prime Minister of the Czech Republic on for the misuse of EU funds and potential conflicts of interest,
  - having regard to the fact-finding mission to the Czech Republic undertaken by the Committee on Budgetary Control from 26 to 28 February 2020,
  - having regard to Decision Pl. ÚS 4/17 of the Czech Constitutional Court of 18 February 2020,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the criminal investigation into Czech Prime Minister Andrej Babiš that followed OLAF's report on irregular use of EU subsidies intended for small businesses, which was suspended two years later, has recently been reopened by the Czech Chief Public Prosecutor; recalls that as part of the 'Stork Nest' project Agrofert artificially created a medium-sized company, which remained in Agrofert's control, in order to obtain funds intended for small and medium-sized businesses amounting to a total of around EUR 2 million;
- B. whereas the Czech Chief Public Prosecutor denounced the dropping of the criminal investigation as 'unlawful and premature', since EU law had not been taken into account, adding also that the process of allocating subsidies had lacked sufficient checks;
- C. whereas Article 61(1) of the Financial Regulation (in conjunction with Article 61(3)) lays down:
- a) a negative obligation on financial actors to prevent situations of conflict of interest in relation to the EU budget;
  - b) a positive obligation on financial actors to take appropriate measures to prevent conflicts of interest from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interest;
- D. whereas Article 63 of the Financial Regulation requires the Member States to put in place management and control systems that, as required by Article 36(3), should be capable of avoiding conflicts of interest;
- E. whereas in February 2017, Czech Act No 159/2006 on conflicts of interest was amended with an expanded list of forbidden activities, including provisions preventing certain companies from being involved in public procurement even as a subcontractor or from receiving grants; whereas the act aims to prevent conflicts of interest in all their forms;
- F. whereas public procurement rules oblige Member States to avoid conflicts of interest (Article 24 of Directive 2014/24/EU<sup>(5)</sup>), including direct or indirect personal interests, and rules are in place to address situations perceived as conflicts of interest, as well as specific obligations in shared management (e.g. Regulation (EU) No 1303/2013);
- G. whereas according to the case law of the Court of Justice of the European Union<sup>(6)</sup> 'a conflict of interest constitutes, objectively and in itself, a serious irregularity without there being any need to qualify it by having regard to the intentions of the parties concerned and whether they were acting in good or bad faith';
- H. whereas the Commission is obliged to suspend EU fund payments in cases where a serious deficiency in the functioning of the management and control systems exists and where undiscovered, unreported and uncorrected serious irregularities related to a conflict of interest have come to light;

<sup>(5)</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement (OJ L 94, 28.3.2014, p. 65).

<sup>(6)</sup> *Ismeri Europa Srl v Court of Auditors*, Judgment of 15.6.1999, Case T-277/97, ECLI:EU:T:1999:124.

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- I. whereas Agrofert is a conglomerate established by the Czech Prime Minister, consisting of over 230 companies and over 34 000 employees (2017); whereas Mr Babiš has been revealed to be the beneficial owner of Agrofert, the controlling company of the Agrofert Group, including among others a number of important Czech media outlets, through trust funds AB I and AB II of which he is the founder and, at the same time, the sole beneficiary; whereas whenever Mr Babiš decides to dissolve these trust funds he regains full ownership of all assets they possess;
- J. whereas in January and February 2019, a coordinated, comprehensive audit was carried out by several Commission services (DG REGIO/DG EMPL, DG AGRI (associated DG)) on the application of EU and national law; whereas an ongoing AGRI audit is examining alleged conflicts of interest with regard to the Czech Minister of Agriculture;
- K. whereas in November 2019 the Commission sent the final audit report by DG REGIO and DG EMPL to the Czech authorities, following up on allegations of conflicts of interest in the Czech Republic on the basis of Article 61 of the Financial Regulation, which was leaked to the Czech media;
- L. whereas the Committee on Budgetary Control held an in camera meeting with Commissioner for Budget and Administration Johannes Hahn on 16 December 2019;
- M. whereas Commissioner Hahn informed the Committee on Budgetary Control that the Commission would only make its audit's conclusions public once all evidence had been duly considered and thoroughly analysed; whereas the Czech authorities submitted their replies to the final audit report by DG REGIO on 29 May 2020;
- N. whereas the Commission audit is still ongoing and, as a precautionary measure and until the situation is clarified, no payments from the EU budget under the ESI Funds are being made to companies directly or indirectly owned by Mr Babiš that could potentially be implicated in the alleged conflict of interest;
- O. whereas the Commission is not reimbursing the Czech authorities for payments made under the Rural Development Fund to Agrofert Group projects that could potentially be concerned by the alleged conflict of interest;
- P. whereas the Czech Parliament has no oversight over possible public tenders, Czech national-level subsidies or state-supported public investments that the Agrofert Group might continue to profit from;
- Q. whereas the Agrofert Group owns two of the largest Czech daily newspapers, Mladá fronta Dnes and Lidové Noviny, and controls the Óčko television station and the Impuls and RockZone radio stations; whereas according to a report by the European Federation of Journalists, Mr Babiš is the de facto owner of 30 % of the private media in the Czech Republic<sup>(7)</sup>;
- R. whereas the revenues of the Agrofert Group have grown significantly during Mr Babiš's time in public office, while at the same time the Agrofert Group has benefited from EU agricultural subsidies amounting to a total of CZK 970 414 000 in 2016, CZK 1 048 685 000 in 2017 and CZK 973 284 000 in 2018 in the Czech Republic alone; whereas the Agrofert Group allegedly received EU Cohesion Fund subsidies amounting to CZK 427 385 000 for the period 2014-2020 in the Czech Republic; whereas the Agrofert Group has most likely received additional subsidies in other Member States, such as Slovakia and Germany;
- S. whereas the Constitutional Court of the Czech Republic in Decision Pl. ÚS 4/17 of February 2020 dismissed legal action brought by the President of the Czech Republic and Members of the Parliament of the Czech Republic over the repeal of the Czech law which defines conflicts of interest among public officials; whereas the Constitutional Court clarified in the same decision that elections are not to be used as a means to seize control over the state for the purpose of using or even abusing its capacities and resources;

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(7) <https://europeanjournalists.org/wp-content/uploads/2019/10/Czech-Republic-fact-finding-mission.pdf>

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1. Welcomes the re-opened criminal investigation into the Czech Prime Minister for his involvement in the ‘Stork Nest’ project; trusts that the national judiciary system will proceed with this process independently and free from any possible political influence;
2. Condemns any potential situations of conflicts of interest that could compromise the implementation of the EU budget and undermine EU citizens’ trust in the proper management of EU taxpayers’ money;
3. Asks the Commission, as the Guardian of the Treaties, to fight all forms of conflicts of interest and evaluate the preventive measures taken by the Member States to avoid them;
4. Calls on the Commission to set up a control mechanism to address the issue of conflicts of interest in the Member States and to establish active avoidance of conflicts of interest, including the identification of final beneficiaries of EU subsidies, as one of its priorities;
5. Calls on the Commission to ensure a policy of zero tolerance towards conflicts of interest, to ensure the swift recovery of potentially irregularly paid-out subsidies while respecting the rule of law and procedural requirements and to intervene decisively, especially when national authorities fail to act to prevent conflicts of interest among their highest representatives;
6. Stresses that national legislation on the prevention of conflicts of interest must be compatible with the letter and spirit of the new Financial Regulation; calls on the Commission to propose common guidelines to assist the Member States in the avoidance of conflicts of interest among high-profile politicians;
7. Urges the Council and the European Council to adopt common standards for all issues related to conflicts of interest and to strive for a common understanding in all Member States;
8. Calls on the Commission, in the case of non-compliance with the rules, to take appropriate measures to protect the EU budget, including corrective actions to recover all funds that have been illegally or irregularly paid out, where this is provided for;
9. Calls on all Member States to step up their efforts to increase budgetary transparency by ensuring that relevant data concerning public procurement procedures and the granting of publicly funded contracts is easily and freely accessible to the general public;
10. Is concerned about reports from different parts of the EU of the increasing political influence of politicians with vested interests, close to or in government, on law-making and the use of public money, with the potential aim of serving the self-interest of specific individuals rather than the general public;
11. Deplores the fact that the Czech Prime Minister was and continues to be actively involved in the implementation of the EU budget in the Czech Republic in his position as Prime Minister (and formerly Chair of the Council for the European Structural and Investment Funds) while still controlling the Agrofert Group as a founder and the sole beneficiary of two trust funds, in contravention of Article 61(1) of the Financial Regulation, and therefore calls into question the impartial and objective exercise of his functions; is deeply concerned about recent media reports<sup>(8)</sup> that the Prime Minister continues to exert control over business decisions taken at Agrofert;
12. Notes that recent media reports have seemingly revealed that Mr Babiš and his wife are still listed as among the six active persons with significant influence or control over the trustees of a trust related to the Agrofert subsidiary GreenChem Solutions Ltd. in the UK;

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<sup>(8)</sup> <https://www.seznamzpravy.cz/clanek/babis-mu-zadal-praci-pro-agrofert-ja-jen-splnil-pokyn-rika-exnamestek-90945>;  
<https://www.seznamzpravy.cz/clanek/soukromy-obchod-agrofertu-na-stole-premiera-poslete-odpoved-napsal-babis-90494>;  
<https://www.seznamzpravy.cz/clanek/dukazy-z-e-mailu-babis-kvuli-agrofertu-ukoluje-vladou-placene-experty-90815>

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13. Insists that a conflict of interest at the highest level of government of a member state, if confirmed, cannot be tolerated and must be resolved by the person(s) concerned either by:

- a) taking measures that ensure that this person no longer has any economic interest or other interests falling within the scope of Article 61 of the Financial Regulation in relation to a business entity;
- b) the business entities under their control ceasing to receive any funding from EU funds, public subsidies or funding distributed by the national government;
- c) abstaining from participation in decisions which concern their interests; stresses, however, that in the light of the functions and powers of the Prime Minister and members of his government, it seems doubtful that such a measure could adequately address the conflict of interest in practice if the persons in question continue to exercise their public functions, and that resigning from public duty therefore constitutes a more adequate means to address the conflict of interests;

14. Calls on the Commission to thoroughly supervise the payment allocation process in the Czech Republic, especially EU fund payments being made to companies directly and indirectly owned by the Prime Minister or any other member of the government involved in budget implementation;

15. Calls on the Commission to assess, without undue delay, whether cases in which companies belonging to the Agrofert Group continue to receive subsidies from the national budget comply with State aid rules; notes the potential risk of financial damage that these cases may pose and calls on the national authorities to assess these situations; considers that Czech and EU taxpayers should be duly informed of such a situation;

16. Is deeply concerned over reports <sup>(9)</sup> about the ability of Agrofert Group companies to artificially move assets among subsidiaries, thus meeting the eligibility criteria for subsidies to small and medium-sized companies or, conversely, to join their operations in order to present themselves as a large company, thus winning public tenders;

17. Deplores reports that the auditors detected serious deficiencies in the functioning of the management and control systems in the area of regional and cohesion funds in the Czech Republic, and therefore suggested a financial correction of almost 20 %; calls on the Commission to critically assess whether these cases represent cases of systemic misuse of EU funds;

18. Is concerned about the financial loss caused by deficiencies in national paying agencies and controlling bodies; calls on the Council in this context to urgently adopt the proposal for a regulation on the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law in Member States;

19. Is deeply concerned about the legal framework in the Czech Republic denying the national Supreme Audit Institution the right to check the regularity and performance of public spending at regional and local level, thus preventing the institution from having any insight into the beneficial owners of the complex company structures; deplores reports <sup>(10)</sup> that the Supreme Audit Office does not perform systematic on-the-spot checks of final beneficiaries; is worried about the derogatory remarks made by the Czech Prime Minister about the work of the Czech Supreme Audit Office;

20. Stresses that a politically imbalanced composition of the Supervisory Board of the State Agricultural Intervention Fund (SZIF) carries the risk of political influence, thereby undermining the ability to perform independent audits;

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<sup>(9)</sup> Information received from the Association of Private Farming in the Czech Republic during the fact-finding mission of 26 to 28 February 2020.

<sup>(10)</sup> Information received from the Supreme Audit Institution of the Czech Republic during the fact-finding mission of 26 to 28 February 2020.



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21. Is concerned about reports that civil servants<sup>(11)</sup> received instructions and were pressurised not to investigate potential conflict of interest allegations related to the Agrofert Group and were allegedly instructed to assess commercial offers received by Agrofert; is deeply worried by reports that civil servants faced negative repercussions, such as dismissals on the pretext of systemisation upon refusal to follow such orders; stresses that these measures call into question the impartiality of the state administration and the independent exercise of public duties;

22. Regrets indications of systemic weaknesses in the detection of conflicts of interest; deplores the fact that there are no cross-checks and that divergent responsibilities foster opaque structures that hamper the effective prevention and detection of conflicts of interest in the Czech Republic; recalls that a positivist approach whereby public officials are required to submit self-declarations of absence of conflict of interest is not sufficient for effectively preventing situations of conflict of interest; calls on the Czech authorities to address these systemic shortcomings without delay, in particular by requiring a verifiable conflict of interest declaration, whereby public officials provide a list of their respective financial interests;

23. Regrets that EU funds affected by financial corrections related to irregularities can be re-used without any further consequences or restrictions; is of the opinion that such a system threatens the EU's financial interests; calls on the Commission to closely monitor the re-use of EU funds and to consider developing a system whereby corrections are also accompanied by restrictions on their further use;

24. Takes note of the Commission decision of 28 November 2019 to suspend the relevant amounts included by the Czech authorities in their interim declarations of expenditure for the Czech Rural Development Programme for Q4-2018 and Q1-2019;

25. Notes that the Commission has confirmed that it made payments under the common agricultural policy (CAP) relating to the year 2018 to companies belonging to the Agrofert Group, and also to companies with the same beneficial owner in several other Member States outside the Czech Republic; insists that the Commission should provide the discharge authority with a complete and reliable overview of all payments made to the Agrofert Group and to companies with the same beneficial owner in all Member States for the financial years 2018 and 2019;

26. Calls on the Czech authorities to ensure the fair and balanced distribution of EU funds, so that EU taxpayers' money benefits the vast majority of the population, both economically and socially;

27. Is concerned about the inadequate implementation of Directives (EU) 2015/849<sup>(12)</sup> and (EU) 2018/843<sup>(13)</sup> on preventing the use of the financial system for money laundering or terrorist financing (fourth and fifth Anti-Money Laundering Directives); highlights the obligation to fully and correctly transpose both directives and to ensure that all provisions, including those on beneficial ownership transparency, are fully implemented;

28. Urges the Czech Financial Analytical Unit to take a more proactive approach to combating tax crimes, fraud and corruption, as well as to ensure effective checks of beneficial owners by the entities responsible under the anti-money laundering rules;

29. Regrets that the authorisation, distribution and auditing of EU funds in shared management are complex and opaque processes where only the Member States have full access to the data, meaning that the Commission is unable to provide a timely and comprehensive overview to Parliament when asked for information on payments to certain beneficiaries in several Member States; emphasises that this severely hampers the Committee on Budgetary Control's and the European Court of Auditors' efficiency and ability to carry out their functions as control entities;

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<sup>(11)</sup> Reports by civil servants and representatives of NGOs, brought to the attention of members of the fact-finding mission to the Czech Republic of 26 to 28 February 2020.

<sup>(12)</sup> 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, (OJ L 141, 5.6.2015, p. 73).

<sup>(13)</sup> 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 (OJ L 156, 19.6.2018, p. 43).

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30. Calls on the Commission, in full acceptance of the principle of shared management, to establish uniform and standardised means for Member States to report information on the final beneficiaries of EU funds; emphasises that information on final beneficiaries should include specification of the beneficial owners of companies (natural and legal persons); calls on the Commission to propose a regulation for the establishment of an IT system that allows for uniform and standardised reporting in real time by Member State authorities, ensuring interoperability with the systems in the Member States, in order to guarantee better transparency and cooperation between the Commission and the Member States, to further improve accountability with regard to payments, and in particular to contribute to the earlier detection of systemic errors and misuse;

31. Regrets that none of the regulations governing the use of agricultural or cohesion funds impose an obligation on national authorities to publish the ultimate beneficial owner of an individual, legal entity or trust benefiting from the funds; calls on the co-legislators to pay special attention to this issue and to address it comprehensively when deciding on future rules for the transparency of EU subsidies;

32. Insists that the register of beneficial ownership must contain only fully verified information on the controlling person(s) and must be fully open to the public;

33. Strongly disapproves of the creation and establishment of oligarchical structures drawing on EU agricultural and cohesion funds, whereby a small minority of beneficiaries receive the vast majority of EU funds; calls on the Commission, together with the Member States, to develop effective legal instruments to ensure respect for the rule of law and prevent the fostering of such structures;

34. Reiterates its concern that cases of conflicts of interest damage the goals of cohesion policy and the CAP, which have important economic, social and environmental dimensions, and creates a negative image for these policies;

35. Calls on the Commission to table a proposal modifying the CAP rules towards a fairer allocation of EU funds, to ensure that the CAP is allocated fairly to active farmers who cultivate the land and does not result in land deals that benefit a select group of political insiders or incentivise abusive practices during auctions privatising state-owned land; acknowledges the Commission proposal for a new delivery model, including capping combined with a degression mechanism; is of the opinion, however, that capping, with the introduction of a labour cost offset before capping, is insufficient to guarantee a fairer allocation of direct payments; supports the idea of a mandatory redistribution mechanism;

36. Takes note of the fact that land property rights were often not clearly defined and land remained classified as state land under the supervision of the State Land Office, which tended to lease it to large scale-farm corporations; acknowledges the efforts of the Czech authorities to identify the rightful owners until 2023; insist that the auction of land whose rightful owners cannot be established must be carried out in a fair manner, providing equal opportunities for small and medium-sized farmers and young farmers to acquire the land;

37. Urges the Commission to table a proposal for a maximum amount of direct payment per natural person as beneficial owner of one or several companies, while applying a zero tolerance policy for those with a conflict of interest; underlines that it should not be possible to receive EU subsidies in the hundreds of millions in one multiannual financial framework (MFF) period;

38. Insists that those responsible for the misuse of EU funds should suffer the consequences, and that in the case of financial corrections, the burden should not be shifted to national taxpayers; calls on the Czech national authorities to reclaim unduly paid subsidies from those who unlawfully benefited from them; is of the opinion that an enabling condition for using EU funds should be introduced for the next programming period, requiring national legislation to include provisions obliging the beneficiary responsible to recover the funds wrongfully claimed;

39. Strongly condemns the public use of defamatory language and hate speech against participants in the fact-finding mission of 26 to 28 February 2020 by the Prime Minister during his press conference; finds it unacceptable that Members of the European Parliament who took part in the fact-finding mission of the Committee on Budgetary Control to the Czech Republic received death threats and other verbal attacks while fulfilling their responsibilities as Members of the European Parliament;

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40. Calls on the Committee on Budgetary Control to report back to Parliament about any relevant insights gained during its fact-finding mission and to inform the Commission and relevant authorities accordingly;
  41. Calls on the Commission to do its utmost to finalise the ongoing audit procedures without undue delay and to make its findings public as soon as all the evidence has been duly evaluated; encourages the Council and the European Council to consider the findings of these audits and to give due attention to Article 61 of the Financial Regulation with regard to the negotiations for the next MFF;
  42. Calls on the Commission to follow up on allegations of unresolved conflicts of interest in other Member States;
  43. Reiterates its regret that the country-by-country report was discontinued in a second EU anti-corruption report by the Commission (ARES(2017)455202); calls on the Commission once again to resume reporting, separately from the Economic Semester, on the status of corruption in Member States, including evaluating the effectiveness of EU-supported anti-corruption efforts; reiterates its call on the Commission not to evaluate anti-corruption efforts only in terms of economic loss;
  44. Stresses the importance of upholding the rule of law, the separation of powers, the independence of the judiciary, and the independence and pluralism of the media as a precondition for the successful use of EU funding;
  45. Highlights the importance of independent public media and of the investigative journalists and non-governmental organisations working to strengthen the rule of law; Underlines in that connection that EU support for independent journalists and civil society organisations is paramount, including in the context of the next MFF; is concerned about the high concentration of private media in the hands of a few in the Czech Republic;
  46. Calls on the Commission to take concerns expressed in this resolution into account when monitoring the situation in the context of the rule of law mechanism;
  47. Calls on the Czech authorities to inform the EU institutions of the outcome of the reopened 'Stork Nest' investigation as soon as possible;
  48. Calls on the Council and European Council to take all necessary and appropriate measures to prevent conflicts of interest in the context of the negotiations for the future EU budget and the next MFF, in line with Article 61(1) of the Financial Regulation;
  49. Expresses solidarity with the Czech people calling for fairness, justice and the resolution of the incompatibility of the Czech Prime Minister's business interests with his political role and powers;
  50. Instructs its President to forward this resolution to the Commission, the Council and the Government and Parliament of the Czech Republic.
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**Banking Union — annual report 2019**

**European Parliament resolution of 19 June 2020 on Banking Union — annual report 2019 (2019/2130(INI))**  
(2021/C 362/06)

The European Parliament,

- having regard to its resolution of 16 January 2019 on Banking Union — annual report 2018 <sup>(1)</sup>,
- having regard to the feedback of the Commission and the European Central Bank (ECB) on Parliament's resolution of 16 January 2019 on Banking Union — annual report 2018,
- having regard to the approval of the Banking Package by the European Parliament and the Council,
- having regard to The Five Presidents' Report of 22 June 2015 entitled 'Completing Europe's Economic and Monetary Union',
- having regard to the Commission proposal of 24 November 2015 for a regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 in order to establish a European Deposit Insurance Scheme (COM(2015)0586),
- having regard to the 2010 Framework Agreement on relations between the European Parliament and the European Commission,
- having regard to the Political Guidelines for the next European Commission 2019-2024 entitled 'A Union that strives for more — My agenda for Europe', presented by Ursula von der Leyen on 16 July 2019,
- having regard to its resolution of 23 November 2016 on the finalisation of Basel III <sup>(2)</sup>, and to the conclusions of the Ecofin Council of 12 July 2016,
- having regard to the Commission proposal of 24 May 2018 for a regulation of the European Parliament and of the Council on sovereign bond-backed securities (COM(2018)0339),
- having regard to the ECB Annual Report on supervisory activities 2018, published in March 2019 <sup>(3)</sup>,
- having regard to the European Systemic Risk Board report of July 2019 entitled 'EU Non-bank Financial Intermediation Risk Monitor 2019' <sup>(4)</sup>,
- having regard to the European Banking Authority (EBA) Fintech Roadmap conclusions from the consultation on the EBA's approach to Financial Technology (Fintech) of March 2018,
- having regard to the EBA report of November 2019 entitled 'Risk Assessment of the European Banking System' <sup>(5)</sup>,

<sup>(1)</sup> Texts adopted, P8\_TA(2019)0030.

<sup>(2)</sup> OJ C 224, 27.6.2018, p. 45.

<sup>(3)</sup> <https://www.bankingsupervision.europa.eu/press/publications/annual-report/pdf/ssm.ar2018~927cb99de4.en.pdf?each68897a-ba01af07abf90319758ded>

<sup>(4)</sup> [https://www.esrb.europa.eu/pub/pdf/reports/nbfi\\_monitor/esrb.report190717\\_NBFImonitor2019~ba7c155135.en.pdf?aad1-f4a011a6d589537645242475aa89](https://www.esrb.europa.eu/pub/pdf/reports/nbfi_monitor/esrb.report190717_NBFImonitor2019~ba7c155135.en.pdf?aad1-f4a011a6d589537645242475aa89)

<sup>(5)</sup> [https://eba.europa.eu/sites/default/documents/files/document\\_library/Risk%20Analysis%20and%20Data/Risk%20Assessment%20Reports/2019/Risk%20Assessment%20Report\\_November%202019.PDF](https://eba.europa.eu/sites/default/documents/files/document_library/Risk%20Analysis%20and%20Data/Risk%20Assessment%20Reports/2019/Risk%20Assessment%20Report_November%202019.PDF)

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- having regard to the EBA report of 18 July 2019 on regulatory perimeter, regulatory status and authorisation approaches in relation to FinTech activities,
- having regard to the European Supervisory Authorities' (ESAs) report of January 2019 entitled 'FinTech: Regulatory sandboxes and innovation hubs' <sup>(6)</sup>,
- having regard to the Interinstitutional Agreement of 7 November 2013 between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism <sup>(7)</sup>,
- having regard to the Memorandum of Understanding of 9 October 2019 between the ECB and the European Court of Auditors (ECA) regarding audits on the ECB's supervisory tasks <sup>(8)</sup>,
- having regard to the endorsement by the Euro Summit on 14 December 2018 of the report of the Eurogroup in its inclusive format establishing a High-Level Working Group,
- having regard to the endorsement by the same Euro Summit of the terms of reference of the common backstop to the Single Resolution Fund,
- having regard to the Commission report of 30 April 2019 on the application and review of Directive 2014/59/EU (Bank Recovery and Resolution Directive (BRRD)) and Regulation (EU) No 806/2014 (Single Resolution Mechanism Regulation (SRMR)) (COM(2019)0213),
- having regard to the statement agreed by the Euro Summit at its meeting of 21 June 2019,
- having regard to the ECA special report of 10 July 2019 on EU-wide stress tests for banks <sup>(9)</sup>,
- having regard to the announcement by the ECB of 22 August 2019 of the revision of supervisory expectations for prudential provisioning for new non-performing loans to account for the new EU regulation on supervisory expectations for prudential provisioning <sup>(10)</sup>,
- having regard to the Commission communication of 12 June 2019 entitled 'Fourth Progress Report on the reduction of non-performing loans and further risk reduction in the Banking Union' (COM(2019)0278),
- having regard to the European Securities and Markets Authority Technical Advice of 18 July 2019 to the European Commission on Sustainability Considerations in the credit rating market <sup>(11)</sup>,
- having regard to the European Stability Mechanism discussion paper of October 2019 entitled 'Completing banking union to support Economic and Monetary Union', <sup>(12)</sup>
- having regard to the Commission communication entitled 'Action Plan: Financing Sustainable Growth' (COM(2018)0097),
- having regard to its resolution of 8 June 2011 on credit rating agencies: future perspectives <sup>(13)</sup>,

<sup>(6)</sup> JC 2018 74.

<sup>(7)</sup> OJ L 320, 30.11.2013, p. 1.

<sup>(8)</sup> [https://www.bankingsupervision.europa.eu/ecb/legal/pdf/memorandum\\_of\\_understanding\\_between\\_the\\_eca\\_and\\_the\\_ecb\\_regarding\\_the\\_ecbs\\_supervisory\\_tasks.pdf](https://www.bankingsupervision.europa.eu/ecb/legal/pdf/memorandum_of_understanding_between_the_eca_and_the_ecb_regarding_the_ecbs_supervisory_tasks.pdf)

<sup>(9)</sup> 'Special report no10/2019: EU-wide stress tests for banks: unparalleled amount of information on banks provided but greater coordination and focus on risks needed', European Court of Auditors, 10 July 2019, <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=50393>

<sup>(10)</sup> Press release, 'ECB revises supervisory expectations for prudential provisioning for new non-performing loans to account for new EU regulation', 22 August 2019, <https://www.bankingsupervision.europa.eu/press/pr/date/2019/html/ssm.pr190822~f3dd1be8a4.en.html>

<sup>(11)</sup> ESMA 33-9-321.

<sup>(12)</sup> Discussion Paper Series/7, European Stability Mechanism, October 2019.

<sup>(13)</sup> OJ C 380 E, 11.12.2012, p. 24.

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- having regard to the Commission study of November 2019 on the differences between bank insolvency laws and on their potential harmonisation,
  - having regard to its resolution of 19 September 2019 on the state of implementation of the Union's anti-money laundering legislation <sup>(14)</sup>,
  - having regard to the EBA opinions of 8 August 2019 on the eligibility of deposits, coverage level and cooperation between deposit guarantee schemes (DGSs), of 30 October 2019 on deposit guarantee scheme payouts and of 23 January 2020 on deposit guarantee scheme funding and uses of deposit guarantee scheme funds,
  - having regard to the Joint Opinion of the ESAs of 4 October 2019 on the risks of money laundering and terrorist financing affecting the European Union's financial sector <sup>(15)</sup>,
  - having regard to the Commission study of November 2019 on options and national discretions under the Deposit Guarantee Scheme Directive and their treatment in the context of a European Deposit Insurance Scheme,
  - having regard to the agreement on the exchange of information between the ECB and the competent authorities responsible for anti-money laundering and combating the financing of terrorism (AML/CFT),
  - having regard to the Commission's withdrawal of its proposal on structural measures improving the resilience of EU credit institutions (COM(2014)0043),
  - having regard to the EBA report of November 2019 on NPLs — progress made and challenges ahead <sup>(16)</sup>,
  - having regard to the ECB's financial stability review of November 2019,
  - having regard to the joint advice of the ESAs to the European Commission of 10 April 2019 on the need for improvements relating to ICT risk management requirements in the EU financial sector <sup>(17)</sup>,
  - having regard to the 2018 Annual Economic Report of the Bank of International Settlements,
  - having regard to the EBA report of 29 October 2019 on potential impediments to the cross-border provision of banking and payment services <sup>(18)</sup>,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0026/2020),
- A. whereas a more stable, competitive and convergent Economic and Monetary Union requires a solid Banking Union and a more developed and safe Capital Markets Union, as well as the creation of a Budgetary Instrument;
- B. whereas the completion of the Banking Union is a vital contributor to the international perception of the euro and its increased role in global markets;
- C. whereas downside risks to global and euro area economic growth have increased, particularly since the global outbreak of the COVID-19 pandemic, and continue to create financial stability challenges;

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<sup>(14)</sup> Texts adopted, P9\_TA(2019)0022.

<sup>(15)</sup> JC 2019 59.

<sup>(16)</sup> <https://eba.europa.eu/file/233465/download?token=xH5hxq39>

<sup>(17)</sup> JC 2019 26, <https://eba.europa.eu/file/102634/download?token=ZR98JZp8>

<sup>(18)</sup> <https://eba.europa.eu/file/178124/download?token=7fFsD9og>

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- D. whereas the Banking Union remains incomplete as long as it lacks a backstop for the Single Resolution Fund (SRF) and a European Deposit Insurance Scheme (EDIS) as the third pillar of the Banking Union;
- E. whereas a well-functioning market for retail financial services is important for both the economy and citizens of the EU;
- F. whereas the Banking Union still lacks effective tools to tackle problems consumers are facing: artificial complexity, unfair commercial practices, exclusion of vulnerable groups from using basic services as well as limited involvement of public authorities;
- G. whereas, despite the overall reduction of non-performing loans (NPLs) in recent years, the level of NPLs in some financial institutions still remains high;
- H. whereas entrusting the ECB with the supervision of systemically important financial institutions has proven to be successful; whereas the ECB can exercise, where necessary, supervisory tasks in relation to all credit institutions authorised in, and branches established in, participating Member States;
- I. whereas the development of the Single Resolution Mechanism (SRM), which aims at ensuring uniform rules and procedures and a common decision-making process for orderly resolution of failing banks with minimum impact on the real economy, was efficient; whereas there is still, however, work to be done in order to effectively prevent taxpayer-funded intervention in failing banks;
- J. whereas recent large-scale money laundering scandals involving financial institutions in the EU demonstrate that prudential and anti-money laundering supervision cannot be treated separately and that a proper system of supervision and enforcement of EU legislation is lacking;
- K. whereas the European banking sector still remains by far the main provider of financing to companies, in contrast with other jurisdictions, where capital markets account for a considerable share of financing to companies;
- L. whereas more than ten years after the financial crisis, the 'too big to fail' and 'too interconnected to fail' problems remain insufficiently addressed and under review by the Financial Stability Board;

***General considerations***

1. Recalls the progress made regarding the implementation of the Banking Union, namely on risk reduction; stresses, however, that further progress has to be made on risk sharing and also on risk reduction in order to tackle challenges that remain in specific institutions;
2. Recalls that the Banking Union is open to all Member States that wish to join;
3. Welcomes the support of the President of the European Commission and the President of the ECB for the completion of the Banking Union and, more broadly, the Economic and Monetary Union, through, for example, the creation of a Budgetary Instrument in order to attain a more stable, competitive and convergent Union;
4. Stresses that the Eurogroup is neither an institution, a body nor an agency of the European Union but an informal intergovernmental forum of discussion; regrets the fact that Member States continue to act outside the Community framework, jeopardising Parliament's role as co-legislator and its right to democratic oversight;



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5. Highlights the lack of efficacy of the intergovernmental negotiations conducted thus far, most notably those involving the Budgetary Instrument for Convergence and Competitiveness and the Eurogroup's Banking Union High Level Working Group; urges negotiations to continue in an open setting that guarantees Parliament's active involvement, within the legal order of the EU; underlines the increased judicial protection that these changes would result in, along with stricter requirements regarding transparency and access to documents;

6. Welcomes the overall increased resilience of the European banking system, as attested by the EBA's 2019 Risk Assessment of the European Banking System; welcomes in particular the fact that banks have kept their capital ratios stable and asset quality has improved, as reflected in a further decline of NPLs;

7. Stresses, however, that profitability levels remain low and the macroeconomic environment is deteriorating, namely in view of the COVID-19 pandemic, which has triggered unprecedented challenges to the global economy, affecting asset quality and, thus, the profitability of banks; further notes that a high level of competition, especially in the area of financial technology (FinTech), as well as higher operational risks due to digitalisation and innovation, and the lack of integration of markets due to remaining fragmentation between Member States, are expected to pose further challenges to bank profitability;

8. Notes the current prospect of low risk and low profitability in the banking sector; highlights the fact that low interest rates persist as a response to the current macroeconomic situation; stresses, furthermore, that economic slowdown and geopolitical tensions, including the effects of Brexit, as well as cyber risks and data security, are among the major challenges the EU banking sector is facing, in addition to climate change and the risks of money laundering and terrorism financing;

9. Notes that, bank profitability has increased steadily since 2012, with return on equity surpassing 6 % since 2017; highlights, however, that this evolution falls short of the estimated cost of capital for most banks; underlines that the low risk and low interest rate environment has resulted in lower costs for provisions and losses; points out that this is not, however, a structural improvement and that challenges to profitability are not expected to abate in the short term; recalls the need to continuously evaluate the levels of financing to the economy, and particularly to SMEs, coming from the financial system as whole; calls for an appropriate assessment of the impact of past and future regulations on reaching the objective of financing the economy;

10. Emphasises that the provision of credit and liquidity by banks plays a decisive role in mitigating the most severe economic consequences of the COVID-19 outbreak on people in the EU; notes, in this context, the legislative and supervisory measures that have been proposed or adopted to make sure that banks keep lending throughout this crisis; welcomes the flexibility given to banks in relation to the prudential treatment of loans, the application of accounting rules, and the release of capital buffers; emphasises that any relief granted should be made fully available to support bank customers, families and firms; supports the actions taken by banking supervisors to introduce strong temporary restrictions on the payment of dividends and bonuses and the buying back of own shares by banks;

11. Underlines the crucial role of the banking sector in channelling funding into the real economy, and particularly into sustainable and socially responsible investments, thereby fostering growth and employment and enabling the transition to a climate-neutral economy, while not endangering financial stability;

12. Welcomes, in that respect, the political agreement reached on the Regulation on the establishment of a framework to facilitate sustainable investment; calls for the revision of the Non-Financial Reporting Directive in order to better reflect the ESG-related reporting and disclosure obligations;

13. Is concerned that the vulnerabilities of banks to climate-related risks may not be fully comprehended and welcomes the EBA's commitments to include climate risk considerations in its annual risk assessment and to introduce climate change stress tests; underlines, in this respect, the importance of adequate disclosure and risk assessment;

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14. Calls, furthermore, on all European banks to sign up to the UN-led Principles for Responsible Banking and, accordingly, to report annually on their efforts to implement sustainable financing and to reduce climate change-related risks in their balance sheets; calls on the EU and national competent authorities responsible for the banking sector to follow and, where possible, implement the recommendations of the Principles for Responsible Banking, the Sustainable Banking Network and the Network of Central Banks and Supervisors for Greening the Financial System;

15. Calls for the establishment of a EU-wide green bond standard and the definition of a framework favourable to the development of these bonds in order to enhance the transparency, effectiveness and credibility of sustainable investments;

16. Takes note of the work of the Basel Committee on Banking Supervision (BCBS) on sovereign risk; stresses that the EU regulatory framework on prudential treatment of sovereign debt should be consistent with international standards; calls for further discussions on the creation of a European safe asset, based on an evaluation to be performed by the Commission of the sovereign bond-backed securities (SBBS) proposal and possible developments, in order to strengthen the international role of the euro, stabilise financial markets and allow banks to diversify their portfolios;

17. Underlines the fact that financial markets are strongly interrelated; stresses the importance of preparedness of banking supervisors for all possible outcomes of Brexit, bearing in mind that this complements preparedness of private actors themselves; welcomes all significant actions and cooperation so far; takes note of the practice of UK firms of establishing branches in the EU in order to continue providing services; stresses, in this regard, the risk of regulatory arbitrage due to the diverse application of rules in each Member State; considers, therefore, that further harmonisation is required to avoid regulatory arbitrage and to ensure that risks are appropriately addressed; underlines the importance of a level playing field in financial regulations between the EU and the UK after Brexit and the need to prevent a regulatory race to the bottom;

18. Reiterates the commitments that the EU has undertaken jointly with the United Kingdom under the revised Political Declaration; commits to maintaining close and structured cooperation on regulatory and supervisory matters, at both political and technical levels;

19. Regrets that the Commission and the large majority of EU governments have so far failed in ensuring full gender balance in EU institutions and bodies, particularly with regard to high-level appointments in economic, financial and monetary affairs; calls on the governments of the Member States, the European 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; reiterates its resolution on respect for the gender balance principle in forthcoming lists of candidates;

20. Stresses the importance of completing the Capital Markets Union, which complements the Banking Union in the financing of the real economy; stresses, furthermore, that a fully integrated Capital Markets Union together with a fully-fledged Banking Union would allow for public and private risk sharing, and would moreover strengthen the international role of the euro as well as further enhancing the competitiveness of European markets and promoting sustainable private investment; highlights, in this regard, the need for a level playing field that avoids disadvantages for SMEs in terms of access to finance, and the need to carefully monitor the issuance of securitised products;

### **Supervision**

21. Welcomes the progress made in the banking sector in reducing risk and increasing financial stability; notes however that fragilities still remain in specific institutions and that further progress is required; recalls the aims of the Banking Union of ensuring financial stability, and fostering a truly single market, a level playing field and predictability for market actors;

22. Considers, nevertheless, that the current supervisory framework has focused primarily on credit risk exposures, to the detriment of market risk exposures related to illiquid securities, including derivatives; urges for adequate measures to enhance asset quality review, and welcomes, in this regard, the inclusion of level 2 and level 3 instruments in the scope of the 2018 stress tests; reiterates its call on the SSM to include among its main supervisory priorities the reduction of these complex and illiquid financial instruments, including derivatives;

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23. Welcomes the efforts made to strengthen the financial sector and reduce NPLs at European level and the risk reduction measures achieved in the recent Banking Package; notes that the ratio of NPLs held by significant institutions fell by more than half from the start of ECB banking supervision, in November 2014, to June 2019; highlights that the euro area NPL average was 2,9 % in September 2019, down from 6,5 % in December 2014; welcomes this significant progress; points out that the level of non-performing loans still remains high in certain institutions and that further efforts are needed to address this issue; takes note of the ongoing legislative work on the directive for credit servicers and credit purchasers, and stresses the need to make sure that the development of secondary markets for loans and the creation of an extrajudicial enforcement mechanism (AECE) include appropriate consumer protection;

24. Underlines the need to protect customers' rights in the context of NPL transactions; notes the importance of the full implementation of the Mortgage Credit Directive (2014/17/EU); calls on Member States to put measures in place to ensure that borrowers, who might be in already vulnerable financial situations, are not subject to aggressive and unfair treatment and practices by poorly-regulated debt buyers and collectors; calls on the Commission, in the upcoming revision of the Consumer Credit Directive, to lay down more ambitious provisions on the protection of borrowers against abusive practices, ensuring that those rights apply equally to existing and future loans;

25. Underlines the importance of protecting consumer rights, namely regarding banking fees and the transparency of product costs, profitability and risks; calls, in this respect, on the EBA to devote more focus to fulfilling its mandate on properly collecting, analysing and reporting on consumer trends, and also on the review and coordination of financial literacy and education initiatives by the competent authorities;

26. Notes that recent banking crises have revealed that credit institutions have miss-sold bonds and other financial products to retail customers; calls on supervisory and resolution authorities to vigorously enforce the newly introduced BRRD provisions on consumer protection, particularly the minimum requirement for own funds and eligible liabilities (MREL); urges the Commission to further assess the issue of miss-selling of financial products by banking institutions;

27. Calls on the ESAs to make full use of their powers to ensure a high degree of consumer protection, including, where appropriate, product intervention powers where financial and credit products have resulted in or are likely to result in consumer detriment;

28. Notes that work on the implementation of the final Basel III standards has already started; stresses that the BCBS standards should be enacted into European law in a timely fashion and with due regard for their goals, while taking proper account of the specific characteristics of the European banking system, where appropriate, and the proportionality principle; warns that, owing to the diversity of banking models across the EU, a one-size-fits-it-all solution might be ill-suited to the European market; underlines that the competitiveness and financial stability of the EU banking sector should be ensured and its ability to finance the economy, in particular SMEs, should not be harmed; is convinced that viable and well-capitalised financial institutions are necessary for the sound financing of the EU economy and a stable Banking Union; recalls its resolution of 23 November 2016 on the finalisation of Basel III and calls on the Commission to act on the recommendations therein when drafting the new legislative proposals;

29. Takes note of the importance of the need to assess the adequacy of internal models and to continuously evaluate them, in order to ensure they are reliable and robust; takes note of the findings of the targeted review of internal models (TRIM) carried out by the ECB; calls on banks to improve their use and implementation of their internal models accordingly;

30. Is concerned that the EBA warned about not delivering its proposals for reducing the administrative burden for small institutions within the deadline set by co-legislators in the Banking Package;

31. Recalls that standards provided by international fora should avoid regulatory fragmentation and help to promote a level playing field for all internationally active banks;

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32. Notes that in its report assessing the risks to and vulnerabilities of the EU banking sector, the EBA points to differences in the application and setting of the O-SII buffer among Member States; calls, thus, for further harmonisation of the application of capital buffers across the EU, in order to create a level playing field;

33. Welcomes the agreement on a Memorandum of Understanding between the European Central Bank and the European Court of Auditors, setting out the practical arrangements for the exchange of information between the institutions in respect of their respective mandates;

34. Requests increased transparency standards in banking supervision, for instance in the outcomes of the supervisory review and evaluation process, in order to reinforce the trust of capital and financial markets, companies and citizens, as well as to ensure consistency of treatment across Member States; welcomes improved and refined information-sharing between supervisory and resolution institutions;

35. Notes that innovative financial technologies are profoundly transforming the financial sector, including banking and payment services, and welcomes the efficiency and broader range of choices these offer to consumers in the market; supports technological neutrality as a guiding principle and encourages investments in financial technology;

36. Highlights the need to address the challenges posed by these new technologies, such as ensuring sustainable business models that are interoperable across borders, a level playing field in terms of regulation and supervision, and cybersecurity; underlines the responsibility of financial institutions in ensuring the protection of clients' data and their security, in accordance with EU law; notes, also, the increasing reliance of the banking sector on cloud computing and urges the Commission to respond to the joint advice of the ESAs on the need for legislative improvements relating to ICT risk management requirements in the EU financial sector; reiterates that a balanced legislative framework and legal certainty can enhance an environment prone to innovation without undermining financial stability;

37. Recognises the contribution that the non-bank financial intermediation sector, previously known as shadow banking, can make to further diversifying the funding channels to the economy; highlights, however, that there is considerable interconnectedness between the non-bank financial intermediation sector and the 'traditional' banking sector, which raises concerns of systemic risk given the lack of appropriate regulation and supervision of the former;

38. Calls, in this regard, for coordinated action to address these risks, including the establishment of a macroprudential toolkit and the further operationalisation of existing tools to counter threats to financial stability posed by the increasing role of the non-bank financial intermediation system; considers that it is necessary to assess whether prudential requirements on large exposures in particular to non-bank financial intermediation are sufficient to ensure financial stability; underlines further the risks highlighted by the European Systemic Risk Board (ESRB) in its EU Non-bank Financial Intermediation Risk Monitor 2019, such as those derived from liquidity transformation, risk-taking and leverage affecting the sector more broadly;

39. Welcomes the agreement on the exchange of information between the ECB and the authorities responsible for anti-money laundering (AML) and combating the financing of terrorism (CFT); recalls its resolution of 19 September 2019 on the state of implementation of the Union's anti-money laundering legislation; welcomes the joint position paper of 8 November 2019, prepared by several euro area finance ministers, which calls for the harmonisation of the European money laundering and terrorism financing regulatory framework;

40. Recalls that for AML/CFT efforts to be effective, the competent authorities and financial institutions must act in a coordinated manner; highlights that prudential and anti-money laundering supervision need to be better aligned; recalls its serious concerns about regulatory and supervisory fragmentation in the field of AML/CFT, which has led to a failure to provide adequate oversight and responses to the deficiencies of national supervisory authorities and undermines their ability to supervise the increasing cross-border activity in the EU;

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41. Is convinced that the SSM also has a role to play in combatting money laundering and welcomes the setting-up of a dedicated anti-money laundering unit; notes in particular the complexity of carrying out the important suitability assessment of the top management of banks due to the highly diverse transposition of the Capital Requirements Directive; encourages, therefore, the integration of the 'fit and proper' requirements into the Capital Requirements Regulation;

42. Welcomes the Council conclusions of 5 December 2019, which give a mandate to the Commission to explore ways of ensuring better cooperation between authorities and conferring AML tasks to an EU body, and to turn certain parts of the Anti-money Laundering Directive into a Regulation, in order to ensure a single rulebook; welcomes the Commission's communication on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing, which outlines proposals to further harmonise the AML/CFT rulebook and effectively address the risks posed by cross-border illegal activity to the integrity of the EU financial system and the security of EU citizens, namely through the creation of a new EU body;

43. Acknowledges that legal and supervisory action need to be taken to address the money laundering and terrorism financing risks posed by crypto assets; invites the Commission to further carry out impact assessments on the money laundering and terrorism financing risks that may arise from vulnerabilities created by the increasing use of new technologies by credit and financial institutions, and the rapid spread of crypto assets in view of the absence of a common regulatory regime and the anonymity associated with those assets;

44. Calls on the Commission to evaluate in 2020 the current state of the credit rating agencies market, to assess it in terms of competition, information asymmetries and transparency to the markets; notes that sustainability ratings based on environmental, social and governance (ESG) criteria may become an important complement to credit risk assessments; stresses the importance of standardisation in the criteria for sustainability rating and ensuring that the development of a market for the provision of sustainability ratings is competitive and not concentrated with a limited number of providers;

45. States the need for efforts to make financial market activity more consistent with sustainability objectives and ESG criteria, underlining the central role of the ESAs in these objectives; calls, in this respect, on the EBA, in coordination with the ESRB, to take steps towards a common methodology for measuring the intensity of climate risks to which financial institutions are exposed, including risks related to the possible depreciation of assets in the event of changes to the regulatory treatment stemming from climate change mitigation and adaptation, the macroeconomic impact of sudden changes in energy use and a rise in the incidence of natural catastrophes;

### **Resolution**

46. Welcomes the fact that the Single Resolution Board (SRB) has not been required to take resolution action in 2019; invites the Commission to reflect on the appropriate follow-up to its own report on the implementation of BRRD and SRMR of April 2019; urges the Commission to review whether the legislation is adequate to ensure that all banks could, if needed, be resolved without the need for taxpayers' money; calls on the Commission to take into account the Financial Stability Board review of the 'too big to fail' legislation and address potential shortcomings, in particular with regard to the safeguarding of retail deposits;

47. Calls on the SRB to complete the process of establishing resolution plans and analyse if all relevant banks hold sufficient MREL; notes that the SRB does not regularly disclose the extent to which banks comply with MREL targets;

48. Invites the Commission to reflect on the potential for further harmonisation of specific aspects of existing national insolvency laws and to assess the extent to which such further harmonisation is necessary to ensure a consistent and effective application of the crisis management framework; calls on the Commission, in the framework of the revision of the Deposit Guarantee Scheme Directive (DGSD) to bring more clarity to the least-cost principle under the DGSD;

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49. Calls for further reflection on the Single Resolution Mechanism's framework and the need to assess the applicability of the Banking Communication of 2013 <sup>(19)</sup>; notes the need to ensure a level playing field and the consistent application of the public interest test;

50. Notes the important role that early intervention measures can play in preventing bank failures and crises; notes, however, that the requirements for the use of early intervention measures overlap with some of the standard intervention measures of the ECB; stresses that in such instances, standard intervention measures are favoured; considers, therefore, that this overlap should be removed by way of the sufficient clarification of the legal basis for each instrument, in order to ensure the gradual application of the measures;

51. Takes note of the Eurogroup decision on the 'agreement in principle' related to the reform of the European Stability Mechanism and its terms of reference; calls for the creation of the backstop to the SRF and its swift operationalisation; is concerned by the lack of a mechanism in the Banking Union to ensure that liquidity can be provided to a bank in the event of a resolution in order to ensure the smooth continuity of services and the stability of financial markets, and calls on the Commission to attempt to address this gap without further delay;

52. Stresses the fact that banks need to be able to operate across borders while managing their capital and liquidity at a consolidated level, in order to diversify their risks and address any lack of profitability; highlights its view that rules should allow for greater flexibility for the parent company in this regard, while providing for credible and enforceable mechanisms that require, in the event of a crisis, the parent company (resolution entity) to provide capital, MREL, and liquidity to subsidiaries located in a host country within the Banking Union;

### **Deposit insurance**

53. States that the Banking Union still lacks its third pillar; urges the completion of the Banking Union through the creation of a fully implemented European Deposit Insurance Scheme to protect depositors against banking disruptions, ensure confidence among depositors and investors across the Banking Union and reinforce the stability of the euro area as a whole; recognises the benefits of risk sharing and further risk reduction in specific institutions;

54. Urges the Council to resume negotiations on EDIS as soon as possible, while ensuring a coherent framework with the DGSD in order to deliver on the objective of enhancing financial stability;

55. Calls on the Commission to analyse the framework of functioning institutional protection schemes in the context of EDIS;

56. Takes note of the continued discussions on the completion of the Banking Union within the High-level Working Group on EDIS, established in January 2019 to report to the Eurogroup, including on further improvements to the crisis management framework for banks; is concerned that Parliament has not been kept informed of discussions taking place in the context of the High-Level Working Group on EDIS, which reports to the Eurogroup; notes that the Commission is a participant in the High-Level Working Group and recalls Article 9 of the 2010 Framework Agreement, which contains the obligation for the Commission to guarantee equal treatment, particularly on legislative matters, between Parliament and the Council;

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

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<sup>(19)</sup> OJ C 216, 30.7.2013, p. 1.



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P9\_TA(2020)0169

**Tourism and transport in 2020 and beyond****European Parliament resolution of 19 June 2020 on transport and tourism in 2020 and beyond (2020/2649(RSP))**

(2021/C 362/07)

*The European Parliament,*

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

- A. whereas tourism is a cross-cutting economic activity with a wide-ranging impact on economic growth, employment and social and sustainable development;
- B. whereas the tourism sector employs 22,6 million people, equating to 11,2 % of total EU employment, contributed 9,5 % to EU GDP in 2019, helps to promote a balanced regional structure, and has a positive impact on regional development; notes that at least 6,4 million jobs are at risk in the EU;
- C. whereas tourism, and especially overtourism, like all human activities, has an impact on climate change, as well as environmental and economic impacts such as increased pollution, loss of biodiversity, congestion, infrastructure maintenance costs and rising prices; whereas, however, the sector is committed to accelerating progress towards sustainable tourism development and to ensuring it contributes towards European and international climate goals through initiatives aimed at reducing emissions;
- D. whereas tourism consists of a complex value chain of many stakeholders with a direct link to passenger transport activities;
- E. whereas the transport, culture and tourism sectors have been the most negatively affected of all major economic sectors by COVID-19, with large-scale unemployment affecting, in particular, seasonal workers and those in vulnerable situations;
- F. whereas cultural sites and venues, festivals and museums have been particularly badly hit by the health crisis, while four out of ten tourists choose their destination based on what it has to offer by way of culture;
- G. whereas by adopting the communication on tourism and transport in 2020 and beyond (COM(2020)0550) and the Tourism and Transport Package on 13 May 2020, the Commission took the first necessary step to support the recovery of our valuable transport and tourism sectors from the COVID-19 outbreak;
- H. whereas it has been ten years since the Commission adopted the communication entitled 'Europe, the world's No 1 tourist destination — a new political framework for tourism in Europe' (COM(2010)0352) in June 2010, which sets out a strategy and action plan for EU tourism;
- I. whereas since the entry into force of the Lisbon Treaty in 2009 the EU has supporting competences aimed at coordinating and complementing action in this domain by the Member States<sup>(1)</sup>;

***European tourism and transport recovery plans following the COVID-19 outbreak***

1. Believes that both swift, short-term support and long-term support to the transport and tourism sectors are necessary to ensure their survival and competitiveness, while implementing measures which give tourists the confidence to travel to and within Europe again is imperative for minimising additional losses in the sector, as well as for its longer-term sustainability; stresses that the current crisis also represents a historic opportunity to modernise tourism in the EU and

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<sup>(1)</sup> Article 195(1) of the Treaty on the Functioning of the European Union (TFEU).



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make it more sustainable and more accessible for persons with disabilities, and to start considering it as an industrial ecosystem with investment targets, human capital, technological innovation needs and performance indicators, as well as a major sector which could contribute to reaching the 2050 climate neutrality goals;

2. Underlines that in the current crisis, when many transport companies are struggling for survival, it is of utmost importance to further invest in strategic transport infrastructure at EU level; stresses, furthermore, that recovery plans for transport, along with support aimed at saving existing transport sectors, should be focused on innovative growth opportunities;

3. Welcomes the communication entitled 'COVID-19 — Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls' adopted by the Commission as part of the package, and the proposal for a phased and coordinated approach, aiming at returning to the unrestricted free movement of persons; asks that a mechanism be established at EU level to define the rate of a sufficiently low level of transmission, and that uniform application of such a rate be ensured across the EU; calls on the Commission to support the 'restart of tourism' with a recommendation to highlight 'sustainable tourism' and to make credibly certified businesses and destinations frontrunners for environmentally friendly, socially responsible and economically sound travel and tourism; welcomes the Commission's initiative aiming to ensure the continuous flow of goods, especially food and medical devices, across the EU and all initiatives aimed at ensuring the full functioning of the EU internal market without unjustified checks and delay;

4. Reiterates the importance of the principle of non-discrimination in the progressive lifting of domestic and cross-border restrictions, as well as the mutual recognition of the agreed measures at EU level, and stresses the importance of avoiding agreements between individual Member States (so-called tourism corridors), which would further impact the economy of those Member States that have been particularly affected by the health crisis, and in particular their tourism sector; is concerned about the fact that several Member States have recently imposed unilateral measures which not only might undermine the functioning of the single market and have a negative impact on the lives of millions of EU citizens, but also strike a further blow against tourism and confidence; urges, therefore, the Commission to prevent the implementation of any type of discriminatory and non-epidemiological measures by Member States, which call into question the integrity of the Schengen area and impede the swift recovery of Europe's travel and tourism industry;

5. Stresses the need for the support and promotion of tourism areas in the EU through, among other things, attractive offers for visitors, provided that the epidemiological and socio-health conditions in the respective areas allow this; believes it is essential that all health, hygiene and sanitary requirements, such as social distancing measures, are fully respected and implemented by both businesses and their clients, in order to guarantee safe conditions for visitors; calls for uniform assessment criteria to be established throughout the EU in order to highlight the areas that represent safe environments for inbound and outbound tourism; supports the need for the highest levels of safety and security to be enforced and maintained, for which interoperable digital technologies could be used (for example, a dedicated Commission information website, or making use of the Digital Innovation Hubs) with a view to providing help for the travel and tourism industry and for tourists themselves while respecting individuals' privacy and data protection rights; stresses that an early alert system that efficiently warns tourists about any potential health threat at their destination should be developed so that quarantine and evacuation protocols are immediate and effective;

6. Recognises the importance of international travellers to our tourism sector; calls, therefore, on the Commission and the Member States to assess whether restrictions on non-essential travel could be lifted at the external borders of the EU, without hampering public health and safety, taking into account the epidemiological situation in each respective third country and working towards the mutual recognition of COVID-19 protective measures, especially in aviation, following International Civil Aviation Organization (ICAO) standards and the joint document from the European Union Aviation Safety Agency (EASA) and the European Centre for Disease Prevention and Control (ECDC) entitled 'COVID-19 Aviation Health Safety Protocol: Operational Guidelines for the management of air passengers and aviation personnel in relation to the COVID-19 pandemic' for the safe restart of air transport in Europe, and urges their swift implementation;

7. Stresses the importance of cross-border and seasonal workers for the provision of services in the tourism sector as a key component of the economic recovery effort, and calls for measures aimed at encouraging their mobility and protecting their rights, including better implementation of existing legislation;

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8. Welcomes the Commission communication on 'COVID-19: Guidelines on the progressive restoration of transport services and connectivity', as well as the guidance based on a framework of principles and a common toolbox that will help with the resumption of transport services of all kinds across the EU by taking coordinated, non-discriminatory and proportionate measures;

9. Calls on the Commission and the Member States to agree on temporary, proportionate and non-discriminatory measures, that are in line with scientific evidence, to facilitate safe transit and country-to-country movements, based on a robust risk assessment, and in accordance with international standards defined by bodies such as the World Health Organization (WHO) or the European Centre for Disease Prevention and Control (ECDC); highlights the importance of ensuring mutual recognition of the measures agreed at EU level for the resumption of EU and international travel; stresses, moreover, that the implementation of containment measures, as well as their easing, must at no time lead to a reduction of the high levels of EU safety and security standards in transport;

10. Underlines that screening is an effective means of reducing the spread of the virus and building confidence in cases where social distancing is not possible, provided that fast, reliable and affordable screening methods are available; calls on the Commission, in cooperation with the ECDC and the Member States, to regularly evaluate the existence of tests meeting these conditions and, when available, to carry out coordinated procurement in order to ensure the best possible conditions and price; urges the Commission and Member States to use all available funding tools to ensure that citizens can be tested free of charge;

11. Highlights that travel restrictions and border controls should be lifted for the regions, areas and Member States where the epidemiological situation is improving and is sufficiently similar, once common criteria have been established to assess it; stresses that improvements in the epidemiological situation are key for restoring safe travel and transport and for resuming tourism services; calls, furthermore, on the Commission, in coordination with the Member States, to explore the feasibility and the added value of health screening measures such as diagnostic tests (e.g. serological or swab tests) and temperature checks on passengers departing from transport hubs; calls for standards and detailed protocols for common hygiene measures to be established for the various modes of transport; considers that each transport operator should apply uniform measures in a harmonised way so as to provide predictability and clarity; considers that technical operational protocols should be made a prerequisite for safe travel;

12. Welcomes the Commission communication on 'COVID-19: EU Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments' and urges Member States to share this guidance with competent authorities at regional and local level; calls on the Commission and the Member States, in this regard, to support the travel and tourism sector financially in the implementation of these measures, in full cooperation with the tourism and travel industry and in line with the ambitions of the European Green Deal and digitalisation;

13. Calls on the Commission to create an EU safety certification seal and clear and effective health protocols, guaranteeing that EU tourism facilities, travel establishments and operators meet the highest hygiene and safety standards, in cooperation with Member States' public authorities, tourism stakeholders and international organisations, with the aim of encouraging the implementation of specific measures based on the EU guidance, enhancing the confidence, security and safety of travellers who visit the EU Member States and fostering the sector's recovery;

14. Calls on the Commission to propose common EU rules on the terms and conditions of the vouchers issued related to COVID-19 while maintaining a high level of consumer protection, always conditional on their voluntary acceptance by consumers and without affecting the obligation for companies to reimburse their travellers within the timeframe as provided for by EU law, in order to make vouchers more flexible and thus more attractive and viable, and to prevent another patchwork implementation resulting in the different treatment of consumers and in distortions of competition in the transport and tourism market; urges, moreover, the Commission to use all the means at its disposal to ensure the proper enforcement and uniform application of EU law, and to promote the use of harmonised rules on voluntary vouchers;

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15. Calls on the Commission to explore the possibility of elaborating, based on the experience of the COVID-19 crisis and Member States' similar schemes, a European Travel Guarantee scheme for companies to secure financial liquidity in order to guarantee refunds to travellers as well as repatriation costs, together with fair compensation for any damages incurred in the event of bankruptcy; moreover, is of the opinion that travellers should be encouraged to take out travel insurance;

16. Calls on the Commission to launch a dedicated EU communication campaign on travel and tourism, including through an EU-wide information app, aiming at promoting intra-EU travel, re-establishing citizens' confidence in travel and tourism during COVID-19, educating tourists on the health and safety measures in place and building sustainable and cohesive values through an 'EU Tourism Brand'; calls for the concept of 'safe and smart destination' to be central to ensuring the development of sustainable, responsible and accessible tourism;

17. Requests that a mechanism be put in place at EU level for establishing a threshold, based on scientific evidence and reliable and uniform data, for safety and security when it comes to lifting or introducing travel restrictions and that an appropriate level of monitoring and an action plan be prepared for any negative development regarding the epidemiological landscape; emphasises, in that regard, the need for a more concrete and detailed action plan on monitoring and evaluating the proposed phased exit strategy for getting out of the COVID-19 crisis;

18. Calls on the Commission, Member State public authorities and stakeholders to cooperate in order to establish clear guidelines and preparedness action plans for a potential second wave of the pandemic as soon as possible, addressing infection prevention and control measures for travel and tourism, given that extended lockdown measures could lead to a 16 % drop in GDP this year according to projections;

19. Welcomes the SURE programme, which helps Member States cover the costs of national short-time work schemes and similar measures allowing companies to safeguard jobs in the tourism industry; highlights, furthermore, the importance of investing in reskilling, digital skills training and job support initiatives, which will prevent ongoing job losses and social inequalities due to the pandemic;

***Enhanced solidarity and coordination in the EU tourism sector***

20. Highlights the importance of moving towards a genuine European tourism policy that will significantly contribute to enhancing the competitiveness of the Union in this sector, promoting cooperation between Member States and regions and creating possibilities for further investments and innovations in the sector; recalls the importance of avoiding overregulation within the single market for tourism services, with the objective of removing and preventing regulatory contradictions and duplications, by ensuring better coordination of policies and legislation affecting the tourism sector;

21. Welcomes the Commission proposal to organise a European tourism summit involving the EU institutions, industry, regions, cities and stakeholders, in order to reflect on the European tourism of tomorrow, and supports the development of a 2050 roadmap towards a sustainable, innovative and resilient European tourism ecosystem ('European Agenda for Tourism 2050'); calls on the Commission, therefore, to adopt a new strategy and action plan for EU tourism in 2021 based on the outcome of this dialogue, in order to maintain Europe's standing as a leading destination through an 'EU Tourism Brand'; stresses that this long-term strategy must include a plan for digitalising the sector and schemes to regenerate tourist areas; stresses that the strategy must support the green transition of the sector by adapting processes and renewing infrastructures and facilities; underlines that the Commission should closely monitor its proper implementation;

22. Welcomes the Commission's initiative providing for flexibility under State aid rules; insists, however, on the need for viable projects and competitiveness and social and ecological standards as well as for clear and sector-specific guidance in the transport and tourism sectors to allow effective coordination between all Member States, and to ensure that national compensation schemes are used in a fair, timely and proportionate manner, and are put in place for a limited duration, with the aim of tackling the losses caused by the COVID-19 outbreak, without unduly distorting competition;

23. Highlights the importance of enhanced cooperation between EU, national, regional and local authorities and all relevant stakeholders, with a view to addressing cross-cutting tourism-related issues; calls on the Commission, in this regard, to establish an EU Tourism Strategy, including a more concrete and detailed action plan with short-, medium- and

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long-term objectives, including the UN Sustainable Development Goals, and proposing that Member States set clear, strategic and results-oriented objectives; insists that a proper strategy for sustainable tourism be adopted in coordination with Parliament and the Member States, which includes measures to be applied and observed by all Member States, industries and tourists;

24. Stresses that the proposal for an EU Recovery plan presented by the Commission on 27 May 2020, which includes a reinforced long-term EU budget (MFF 2021-2027) and a new recovery instrument of EUR 750 billion which should be conditional on implementing structural reforms and respecting ecological and social standards, serves as a good basis for further negotiations; welcomes the recognition of tourism as one of the economic activities worst affected by the COVID-19 crisis; notes that the new recovery instrument, Next Generation EU, outlines that tourism could see a more than 70 % drop in turnover in the second quarter of 2020, while the basic investment needs in tourism, comprising EUR 161 billion, rank first among the various ecosystems; calls on the Commission to accord due importance to the tourism sector in the recovery package and to issue guidance to ensure swift access to funding, without being hindered by any disproportionate administrative burden, under both ongoing and upcoming programmes; highlights, in this context, the importance of investments in this sector through the Recovery and Resilience Facility which will allow the development of a strategy for a sustainable, flexible and competitive tourism sector across the EU; considers that the EU Recovery plan must include the possibility of providing additional financial support to the tourism sector on the basis of the share that the travel and tourism sector contributes to a Member State's GDP;

25. Regrets the absence of a dedicated budget line on sustainable tourism in the next multiannual financial framework (MFF 2021-2027), and regrets the current lack of a concrete and targeted financial instrument, in the short term, to help the sector's recovery; stresses that special treatment and specific measures should be considered for outermost regions (RUPs) and island regions;

26. Calls on the Commission and the Member States to urgently support businesses and workers, including self-employed workers, in the transport, culture and tourism sector, especially SMEs, and including macro businesses and family-run businesses, to manage their liquidity, help them to maintain jobs and reduce unnecessary administrative burdens; calls, furthermore, for a European framework to be developed for workers across the entire value chain of the tourism industry, in close dialogue with social partners and covering all types of workers;

27. Calls for a revised European SME strategy that would take into account the impact of COVID-19 on SMEs and put forward concrete recovery initiatives with a roadmap to support them by reducing red tape, cutting the costs of access to finance, and fostering investments in strategic value chains in line with the European industrial policy based on ecosystems, the Green Deal and the digital transition; recalls the need for making the necessary adjustments in order to comply with new health and safety measures, providing substantial investments to ensure the safety of consumers and the respect of social distancing, and other relevant precautionary measures; emphasises the importance of creating networks and clusters across the EU, which have the potential to lead to the harmonisation of best practices, strategies and synergies within the SME sector;

28. Stresses that thousands of companies, in particular SMEs, are struggling to survive, while many of them are facing insolvency; calls on the Commission and Member States to monitor developments and assess the possibility of enhanced emergency support, in relation to the instruments already announced, by taking appropriate measures to avoid the bankruptcy of businesses;

### ***Towards a future-proof EU tourism sector***

29. Stresses that the tourism sector is highly dependent on the transport sector, and that therefore improving the accessibility, sustainability and connectivity of all modes of transport, while maintaining the highest level of safety in all transport sectors (road, rail, aviation, maritime and inland waterways), would have a significant impact on enhancing the EU tourism sector; emphasises, in this regard, in the context of 2021 being the European Year of Rail and the need to reduce transport emissions, that the Commission should promote all sustainable alternative modes of travel;

30. Highlights the need to foster sustainable modes of travel such as providing increased support to tourist cycling infrastructure and night trains; stresses the economic and environmental benefits that sustainable transport modes such as cycling can have for tourism, and calls on the Commission to promote and invest in cycling infrastructure to facilitate such tourism;

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31. Highlights the necessity for all Member States to have a network of developed, modern, safe and sustainable infrastructure, in order to facilitate travel across the EU and to make the peripheral Member States more accessible for intra-European and international tourism; calls therefore on the Commission to support the reinstatement of cross-border missing links, to carry out fitness checks on the existing infrastructure network, and to propose immediate additional measures for the least advanced areas and remote areas, which often have the least well-developed networks and need particular attention; notes that border regions throughout the EU make up 40 % of the EU's territory and a third of its population; calls on the Commission to ensure that Member States have appropriate planning to complete the entire TEN-T core by 2030 and comprehensive networks by 2050, indicating the schedule and budgetary availability, and to focus particularly on cross-border sections, especially in Member States which are not progressing in these areas; points out that this includes the much-needed Single European Sky project, which, although it has been stalled at EU level for many years, would bring safety, efficiency and sustainability to European aviation at once;

32. Calls on the Commission to explore the feasibility and potential benefits of a crisis-management mechanism (CMM) for the EU tourism sector, in order to respond adequately and swiftly not only to the current COVID-19 outbreak, but also in order to prepare for future challenges of a similar nature and magnitude; stresses the importance of including funding solutions for short-term financial shortages and also providing for medium- and long-term frameworks and strategies; calls on the Commission to issue guidelines based on best practice in the tourism sector in the event of large-scale crises such as the current pandemic, and to facilitate the development and coordination of adequate online platforms where stakeholders can exchange best practice and share information;

33. Urges the Commission to propose a new European inclusive tourism scheme following the model of the Calypso initiative, enabling vulnerable social groups to use national tourist vouchers in associated establishments in other Member States which also offer a social tourism programme to their citizens; notes that many Member States are implementing such programmes with very good results and believes that it would be very positive to make these schemes interoperable at EU level;

34. Points out the importance of a common EU approach on safeguarding the competitiveness of the sector by improving its communication strategy towards citizens; further emphasises the EU's coordination role for the tourism sector, which should be improved by taking EU added value actions and further facilitating the exchange of best practice among Member States; calls for reductions in unjustified administrative and fiscal burdens, support for the creation of businesses, and the promotion of cross-border sales and services;

35. Highlights the importance of international cooperation in the travel and tourism sector and encourages the EU institutions to continue to foster dialogue and cooperation with the UN World Tourism Organization (UNWTO);

36. Considers that the emergence of new technologies and further digitalisation would considerably boost the attractiveness of the travel and tourism sector, and that user-friendly platforms and new business models would enhance the growth, competitiveness and prosperity of the sector; believes, therefore, that regular training and the reskilling of the existing workforce in the sector is of the utmost importance, with a specific focus on digital skills and innovative technologies;

37. Invites the Commission to evaluate the possibility of establishing an online visa application process, while at the same time maintaining the strong protection of European borders, as a means of attracting an increased flow of international tourists to Europe; notes that the outbreak of COVID-19 has revealed the necessity of embracing innovation and of re-conceptualising the delivery of services, including those that allow for enhanced people-to-people contacts; invites the Commission, therefore, to examine the opportunities for remote, low-cost and time-efficient e-visa access to Europe's tourist destinations for bona fide third-country nationals who require visas and whose biometric data would be collected in any event once the Entry-Exit System has become fully operational;

38. Points out the importance of promoting sustainable tourism, contributing to job creation, to the protection and restoration of natural ecosystems and biodiversity, and to growth and competitiveness, by building on new business models; calls on the Commission to facilitate access to EU funding for tourism stakeholders, in particular small hospitality providers



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in all segments of the market, which must receive particular attention and support; affirms that such funding should support the shift towards more sustainable, innovative, resilient and high-quality tourism products and services, and further contribute to sustainability, out-of-season travel and the geographical dispersion of tourism flows; believes that support and coordination at Union level must be provided to improve tourism administration at national, regional and local level, inter alia by introducing tourism sustainability certification; stresses the importance of promoting a shift from overtourism to other forms of cultural and sustainable tourism which respect our environment and our cultural heritage;

39. Highlights the importance of tourism for certain countries and geographical areas of the EU, where tourism-related services are often an important factor in securing employment and are one of the main sources of income for the local population; calls on the Commission to draw up tailor-made measures when restoring freedom of movement and transport links between the outermost regions and islands and the EU mainland; points out that specific connection lanes and additional financial and administrative support are of the utmost importance for these regions; stresses the importance of developing a coastal and maritime focus in the EU tourism strategy and initiatives, including financing opportunities and promotional and communication tools, as well as strengthening the functioning of relevant markets, by establishing custom-made policies in cooperation with destination stakeholders and authorities; recalls the importance of supporting family businesses which develop local or regional markets and promote local tourism, since they account for a significant proportion of European private-sector employment and constitute the natural incubators of an entrepreneurial culture;

40. Recalls that cultural tourism accounts for 40 % of all European tourism and that 68 % of Europeans say that the presence of cultural heritage, which includes cultural routes, among them the Way of St James ('Camino de Santiago'), which in 2021 will celebrate a Jubilee or Jacobean Year, has an influence on the choice of their holiday destination<sup>(2)</sup>; calls on the Commission, therefore, to propose that the Member States set clear strategic and operational results-oriented objectives in the next Work Plan for Culture, and to improve the current strategic framework for culture; stresses that investments in cultural sites should be seen and treated as a resource to improve competitiveness and growth at local level, without forgetting their intrinsic value as part of our cultural heritage that needs to be protected, especially from climate change and overtourism; calls on the Commission to strengthen the financial sustainability of cultural sites funded by the European Regional Development Fund (ERDF) and to encourage the development of funding schemes that build on private funds; calls furthermore for a budget increase for Discover EU, a programme that has the potential to considerably boost youth tourism; highlights the specific needs of the cultural institutions receiving public aid during this period of recovery, since they need to ensure visitor safety and sustain their economic model; asks the Commission to find alternative support mechanisms for the cultural workers who are heavily dependent on functional tourism;

41. Highlights the benefits of rural and agro-ecotourism, and calls on the Commission to further promote and support initiatives which would generate additional income sources for rural areas, create job opportunities, prevent depopulation and increase the social benefits; stresses the role that the European Agricultural Fund for Rural Development (EAFRD) can play, especially the LEADER programme, in supporting local and rural tourism initiatives, and calls for this programme to be adequately funded for the 2021-2027 programming period; considers it necessary to reinforce agri-tourism in rural areas in order to diversify the sources of farmers' revenues, particularly for smallholdings, and thereby prevent land abandonment and depopulation and support the rural economy; stresses, in this regard, the need to ring-fence a specific allocation for agri-tourism, which plays an essential role in the diversification of farmers' revenues and in the development of rural areas;

42. Points out the importance of health tourism, comprising medical, wellness and spa tourism; calls on the Commission to promote, when appropriate, European health prevention, balneology, sustainable and mountain medical tourism; highlights the need for further investment in improving the sustainable tourism infrastructure, and the importance of enhanced visibility for European resorts for spa and wellness tourism; calls on the Commission to make provision for further science-based funding opportunities, as medical tourism may help to reduce health costs through prevention measures and lower pharmaceutical consumption, and would further improve sustainability and labour quality;

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<sup>(2)</sup> Special Eurobarometer 466 — Cultural Heritage, 12/2017.

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43. Underlines the importance of accessibility of travel and tourism services for the ageing population, as well as people with disabilities and people with functional limitations; calls on the Commission and the Member States to actively drive the ongoing development of the International Organisation for Standardisation's standard on accessible tourism services and to ensure that it is swiftly and correctly implemented once adopted, and that service providers respect the relevant accessibility standards that are already in place or are in the process of being implemented; calls on the Commission, furthermore, to make efforts to facilitate the possible wider implementation and recognition of the EU Disability Card;

44. Underlines the major role sport plays in tourism, recalling the important place of sporting events and activities in making Europe's regions attractive to tourists; highlights the opportunities arising from travel by athletes and spectators to sports events, which can attract tourists to even the most remote areas; highlights the importance of Europe's gastronomy, gastronomic routes and HORECA sector for the tourism industry and the economy as a whole; stresses that the above must therefore be integrated into the overall tourism strategy;

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45. Instructs its President to forward this resolution to the President of the Commission, the President of the European Council and the Presidency-in-Office of the Council.

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P9\_TA(2020)0173

## The Anti-racism protests following the death of George Floyd

### European Parliament resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd (2020/2685(RSP))

(2021/C 362/08)

The European Parliament,

- having regard to the Treaty on European Union (TEU), and, in particular, the second and the fourth to seventh indents of the preamble, Article 2, the second subparagraph of Article 3(3) and Article 6 thereof,
- having regard to Articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 2, 3, 4, 5 and 21 thereof,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin <sup>(1)</sup>,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law <sup>(2)</sup>,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA <sup>(3)</sup>,
- having regard to the Fundamental Rights Report 2020 by the European Union Agency for Fundamental Rights (FRA), to the Second European Union Minorities and Discrimination Survey (EU-MIDIS II) published in December 2017 by the FRA, to the FRA surveys 'Being black in the EU' published on 23 November 2018 and 15 November 2019 respectively, and to the FRA's report on experiences of racial discrimination and racist violence among people of African descent in the EU,
- having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017 <sup>(4)</sup>,
- having regard to its previous resolutions on racism and hatred against minorities in the world,
- having regard to its resolution of 26 March 2019 on fundamental rights of people of African descent in Europe <sup>(5)</sup>,
- having regard to its resolution of 14 February 2019 on the right to peaceful protest and the proportionate use of force <sup>(6)</sup>,
- having regard to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance,
- having regard to the general policy recommendations of the European Commission against Racism and Intolerance (ECRI),
- having regard to the video press conference with the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 2 June 2020 following George Floyd's death,

<sup>(1)</sup> OJ L 180, 19.7.2000, p. 22.

<sup>(2)</sup> OJ L 328, 6.12.2008, p. 55.

<sup>(3)</sup> OJ L 315, 14.11.2012, p. 57.

<sup>(4)</sup> Texts adopted, P8\_TA(2019)0032.

<sup>(5)</sup> Texts adopted, P8\_TA(2019)0239.

<sup>(6)</sup> Texts adopted, P8\_TA(2019)0127.

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- having regard to its exchange of views of 5 June 2020 on the case of George Floyd in its Subcommittee on Human Rights,
  - having regard to the FRA's publication of 5 December 2018 entitled 'Preventing unlawful profiling today and in the future: a guide',
  - having regard to Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms prohibiting discrimination,
  - having regard to the recommendation of the Council of Europe's Committee of Ministers of 19 September 2001 on the European Code of Police Ethics,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
  - having regard to the International Convention on the Elimination of All Forms of Racial Discrimination and the UN Committee on the Elimination of Racial Discrimination (CERD) General Recommendations,
  - having regard to the statement of the UN High Commissioner for Human Rights Michelle Bachelet of 28 May 2020 condemning the killing of George Floyd,
  - having regard to the statement on the protests against systemic racism in the United States of 5 June 2020 by the independent experts of the Special Procedures of the UN Human Rights Council,
  - having regard to the Durban Declaration and Programme of Action of 2002 and its follow-up, and the report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on combating racism, racial discrimination, xenophobia and related intolerance,
  - having regard to the International Decade for People of African Descent,
  - having regard to the US Constitution,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on 25 May 2020, George Floyd, a 46-year-old unarmed African American man, was arrested for allegedly using a counterfeit bill and was killed in Minneapolis, Minnesota, after a white police officer kneeled on his neck for 8 minutes 46 seconds; whereas George Floyd repeatedly said he could not breathe;
- B. whereas George Floyd's death, added to the list of other examples of the use of excessive force and killings by police officers, has sparked massive demonstrations and protests against racism and police brutality all over the US, as well as around the globe;
- C. whereas following the massive protests, police officer Derek Chauvin's initial charge of third degree murder without intention to kill was replaced by a charge of second degree murder and manslaughter, charges which carry a combined maximum sentence of 35 years; whereas three other police officers involved in the arrest of George Floyd were fired and face charges of aiding and abetting;
- D. whereas the violence and destruction of property will not solve the problem of entrenched discrimination and has to be strongly denounced; whereas the protestors must express their demands for justice peacefully and the police and other security forces must refrain from further escalating the current tense situation through use of excessive force;

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- E. whereas the protests following the death of George Floyd are preceded by a long history of protests against police brutality and racism in the US; whereas in the US, black people and people of colour constitute up to 40 % of the incarcerated population, while they represent 13 % of the total population; whereas the rate of mortality in police custody in the US is six times higher for black people than for white people and is three times higher for Hispanic people<sup>(7)</sup>, as is the use of excessive or lethal force, which has disproportionately affected people of colour;
- F. whereas some individual violent incidents occurred during the protests, including in Minneapolis;
- G. whereas President Trump deployed the National Guard;
- H. whereas the reaction and the inflammatory rhetoric used by the US President, including his threats to deploy the US army if the ongoing protests did not stop, only served to strengthen the protests;
- I. whereas a CNN reporter, Omar Jimenez, and his colleagues were arrested while covering the Minneapolis protest and were later released following confirmation that they were members of the media; whereas a large number of journalists were kept from freely reporting about the demonstrations, despite visibly displaying their media credentials, and dozens were attacked by police forces, some of whom sustained serious injuries;
- J. whereas the EU is committed to respecting freedom of expression and information, as well as freedom of assembly and association; whereas according to the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) all restrictions of fundamental rights must respect the principles of legality, necessity and proportionality;
- K. whereas the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary, as prescribed by Article 10 of the ECHR;
- L. whereas in accordance with Article 4(2) of the Treaty on European Union, the EU 'shall respect [the Member States'] essential state functions, including ensuring the territorial integrity of the state, maintaining law and order and safeguarding national security'; whereas 'in particular, national security remains the sole responsibility of each Member State';
- M. whereas following the death of George Floyd and the protests in the US, thousands of people marched in European cities and other cities around the world in support of the US protests and to protest against racism with the 'Black Lives Matter' movement; whereas the 'Black Lives Matter' movement is not new;
- N. whereas in some EU Member States the protests strengthened the movement against racism that targets black people and people of colour, and also led to the recollection of Europe's colonial past and its role in the transatlantic slave trade; whereas these injustices and crimes against humanity should be recognised at EU and national level, and be addressed at institutional level and within education;
- O. whereas some in the international community firmly rejected the excessive use of force, condemned violence and racism of any kind, and called for all such incidents to be addressed swiftly, effectively and in full respect of the rule of law and human rights; whereas the leaders of the EU institutions should publicly and without reservation condemn the racism and police brutality that led to the death of George Floyd and others;

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(7) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5559881/>

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- P. whereas democracy, the rule of law and fundamental rights are key principles enshrined in EU law; whereas these shared principles and values should unite us in fighting injustice, racism and discrimination in all forms;
- Q. whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and in the Charter of Fundamental Rights, and should be fully respected;
- R. whereas Article 21(1) of the Charter of Fundamental Rights states that any discrimination based on any ground such as 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 shall be prohibited;
- S. whereas the EU's motto 'United in Diversity' encompasses not only nationality, but also all the above-mentioned grounds;
- T. whereas racism is an issue of concern around the globe, and whereas racist and xenophobic attitudes persist everywhere in the world;
- U. whereas structural racism is also mirrored in socio-economic inequality and poverty, and these factors interact and reinforce each other; whereas this is particularly visible in the labour market, where the most precarious workers are people of colour, but also in housing and in education; whereas actions for equality and against structural racism must go hand in hand and be addressed systematically;
- V. whereas according to the FRA, racial discrimination and harassment remain commonplace throughout the European Union<sup>(8)</sup>; whereas racial and ethnic minorities are subject to harassment, violence and hate speech, both online and offline; whereas racial and ethnic minorities face structural discrimination in the EU in all areas, including housing, healthcare, employment and education;
- W. whereas the FRA survey reported that the racialised groups that are most affected by racism and discrimination in Europe based on ethnic or immigrant background are Roma, individuals from North Africa and sub-Saharan Africans<sup>(9)</sup>; whereas FRA surveys also report high levels of discrimination and racism against Muslims<sup>(10)</sup> and Jewish<sup>(11)</sup> people;
- X. whereas racist and xenophobic attitudes are embraced by certain opinion leaders and politicians across the EU, fostering a social climate that provides fertile ground for racism, discrimination and hate crimes; whereas this climate is further fuelled by populist and extremist movements which try to divide our societies; whereas these acts run counter to the common European values which all the Member States have undertaken to uphold;
- Y. whereas the work of police and law enforcement forces aims to defend the security of people in the EU and protect them against crime, terrorism and illegal activities or actions, and to apply the law, sometimes in difficult circumstances; whereas police officers often put their lives at risk for the purpose of protecting others;
- Z. whereas racism, discrimination and the excessive and lethal use of force by the police also exists within the EU; whereas law enforcement authorities in several Member States have been criticised for using excessive force; whereas when a person is confronted by the police or other agents of the State, recourse to physical force which has not been made strictly necessary by the person's own conduct diminishes human dignity and is in principle an infringement of the right set out in Article 3 of the European Convention on Human Rights (ECHR)<sup>(12)</sup>; whereas the disproportionate use of force should be strongly condemned;

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<sup>(8)</sup> <https://fra.europa.eu/en/news/2019/rising-inequalities-and-harassment-fundamental-rights-protection-falters>

<sup>(9)</sup> <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-main-results/>

<sup>(10)</sup> <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-muslims-selected>

<sup>(11)</sup> <https://fra.europa.eu/en/publication/2018/experiences-and-perceptions-antisemitism-second-survey-discrimination-and-hate>

<sup>(12)</sup> Judgment of the ECtHR of 17 April 2012, Case Rizvanov v. Azerbaijan, paragraph 49.

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- AA. whereas the FRA has reported that black people and people of colour in the EU experience racial and discriminatory profiling; whereas one quarter of all persons of African descent surveyed by the FRA had been stopped by the police in the five years before the survey and, of these, 41 % characterised the most recent stop as racial profiling<sup>(13)</sup>;
- AB. whereas a majority (63 %) of victims of racist physical attacks by police did not report the incident either because they felt reporting would not change anything (34 %) or because they do not trust or are afraid of the police (28 %) <sup>(14)</sup>; whereas there is a need to ensure the protection of and access to justice for victims of police violence;
- AC. whereas the OSCE Office for Democratic Institutions and Human Rights (ODIHR) annual hate crimes report has found that black people and people of colour are often targets of racist violence, yet in many countries there is a lack of legal assistance and financial support for victims recovering from violent attacks;
- AD. whereas the EU institutions need to take concrete steps to address structural racism, discrimination and the underrepresentation of racial and ethnic minority groups within its structures;
- AE. whereas the fight against racism and discrimination in our societies needs to be stepped up and is a shared responsibility; whereas the European Union needs to urgently reflect on and commit to tackling the structural racism and discrimination faced by many minority groups;
1. Affirms that Black Lives Matter;
  2. Strongly condemns the appalling death of George Floyd in the US, as well as similar killings elsewhere in the world; expresses its condolences to his relatives and friends, and those of other victims; urges the authorities to investigate this and similar cases thoroughly and bring those responsible to justice;
  3. Strongly condemns all forms of racism, hate and violence, as well as any physical or verbal attacks targeting people of a particular racial or ethnic origin, religion or belief, and nationality, in both the public and private spheres; recalls that there is no place for racism and discrimination in our societies; asks that the Commission, the European Council and the Council take a strong and decisive stand against racism, violence and injustice in Europe;
  4. Calls on the Government and authorities of the United States to take decisive steps to address the structural racism and inequalities in the country, as reflected in police brutality; condemns the police crackdowns on peaceful US protesters and journalists, and strongly regrets the US President's threat to deploy the US Army;
  5. Supports the recent massive protests in European capitals and cities all around the world against racism and discrimination following the death of George Floyd; highlights the protesters' call to take a stand against oppression and structural racism in Europe; expresses solidarity, respect and support for the peaceful protests, and believes that our societies need to put an end to structural racism and inequalities; recalls the right to peaceful protest of each individual as enshrined in international treaties; condemns the individual violent incidents that occurred;
  6. Condemns white supremacy in all its forms, including the use of slogans that aim to undermine or detract from the Black Lives Matter movement and dilute its significance;
  7. Condemns the episodes of looting, arson, vandalism and destruction of public and private property caused by some violent demonstrators; denounces the extremist and anti-democratic forces which purposely misuse the peaceful protests to aggravate the conflicts with the intention of spreading disorder and anarchy;

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<sup>(13)</sup> FRA, Second European Union Minorities and Discrimination Survey: Being black in the EU, <https://op.europa.eu/en/publication-detail/-/publication/c046fe4f-388-11e8-9982-01aa75ed71a1/language-en>

<sup>(14)</sup> FRA, Second European Union Minorities and Discrimination Survey: Being black in the EU, <https://op.europa.eu/en/publication-detail/-/publication/c046fe4f-f388-11e8-9982-01aa75ed71a1/language-en>

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8. Calls on all leaders and citizens to refrain from backsliding in values, and to reinforce the promotion of human rights, democracy, equality before the law and a free and independent media; condemns statements and actions by leaders that risk undermining these values and enlarging divisions within our societies; notes that these values are common to the foundations of both the EU and the US, and to our transatlantic cooperation; underlines the importance of closer interparliamentary cooperation through the Transatlantic Legislators' Dialogue, in order to exchange views and best practices during their upcoming meeting, and identify legal means of combating structural racism and protecting human rights;

9. Calls for closer multilateral cooperation to combat racism and discrimination; calls on the Commission to liaise closely with international actors such as the Organization for Security and Co-operation in Europe (OSCE), the UN, the African Union and the Council of Europe, as well as other international partners, in order to combat racism at an international level; welcomes the request of 54 African countries for an urgent debate at the UN Human Rights Council to be held on 17 June 2020 on the 'current racially inspired human rights violations, systemic racism, police brutality and the violence against peaceful protests';

10. Calls for the EU institutions, bodies and agencies and the Member States to strongly and publicly denounce the disproportionate use of force and racist tendencies in law enforcement whenever it occurs, in the EU, in the US and around the world;

11. Considers that the fight against racism is a horizontal issue and that it should be taken into account in all areas of Union policy; recalls that all citizens should be entitled to protection from these inequities, both as individuals and as a group, including positive measures for the promotion and the full and equal enjoyment of their rights;

12. Recalls the adoption on 26 March 2019 of its resolution on the fundamental rights of people with African descent, and calls urgently for the EU and the Member States to implement it;

13. Is deeply concerned about the reported cases of right-wing extremism in security forces that have been brought to light in recent years in the EU <sup>(15)</sup>;

14. Calls for the EU institutions and the Member States to officially acknowledge past injustices and crimes against humanity committed against black people, people of colour and Roma; declares slavery a crime against humanity and calls for 2 December to be designated the European Day commemorating the Abolition of the Slave Trade; encourages the Member States to make the history of black people, people of colour and Roma part of their school curricula;

15. Reiterates the crucial role of education in deconstructing prejudices and stereotypes, promoting tolerance, understanding and diversity, and highlights that education is a key tool to end structural discrimination and racism in our societies;

16. Calls on the Member States to denounce and refrain from racist and Afrophobic traditions, such as the black face practice;

17. Invites the EU leaders to organise a European Anti-Racism Summit on combating structural discrimination in Europe in the near future; urges the Commission to come forward with a comprehensive strategy against racism and discrimination and an EU framework for national action plans against racism with a dedicated component on fighting against these phenomena in the law enforcement services, while taking an intersectional approach; urges the Council to set up a dedicated Council configuration for equality; calls for the EU institutions to establish an interinstitutional task force to fight racism and discrimination at EU level;

18. Calls on the Member States to promote anti-discrimination policies in all areas and to develop national action plans against racism that address areas such as education, housing, health, employment, policing, social services, the justice system and political participation and representation, in close cooperation with civil society and the communities concerned;

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<sup>(15)</sup> <https://www.dw.com/en/germany-over-500-right-wing-extremists-suspected-in-bundeswehr/a-52152558>



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19. Requests that all anti-discrimination policies have an intersectional and gender approach in order to tackle multiple discrimination;
20. Urges the Member States to step up measures to increase diversity within police forces and to establish frameworks for dialogue and cooperation between police and communities;
21. Urgently calls for the combating of discrimination on all grounds in the EU and calls, therefore, for the Council to immediately unblock and conclude the negotiations on the Horizontal Directive on non-discrimination that has been blocked since the Commission proposed it in 2008;
22. Condemns all types of incidents of hate crime and hate speech, both offline and online, that occur in the EU on a daily basis, and recalls that racist and xenophobic speech is not covered by the freedom of expression;
23. Insists that the Member States implement and properly enforce Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, notably by investigating the bias motive for crimes based on race, national or ethnic origin, and by ensuring that racist hate crimes are recorded, investigated, prosecuted and sanctioned; further calls on the Commission to review and revise, where appropriate, the Framework Decision and its implementation, and to take action against Member States that do not fully implement it;
24. Reminds Member States that independent police complaints mechanisms should be established to lead investigations into cases of police misconduct and abuse; underlines that democratic policing requires that the police be accountable for their actions before the law, the public authorities and the entire public they serve; believes that the key requirement for accountability is the maintenance of effective and efficient oversight instruments;
25. Calls on the Commission and the Member States to take steps towards the collection of further data disaggregated by race and ethnic origin (as defined by the EU Racial Equality Directive) that are voluntary and anonymous; considers that, if data on ethnic discrimination and hate crime were to be collected, this should be for the sole purpose of identifying the roots of and to combat racism and discriminatory discourse and acts, in accordance with the relevant national legal frameworks and EU data protection legislation;
26. Notes that the Commission will come forward with the first of its annual Rule of Law reports, with a limited scope; reiterates the European Parliament's calls for a comprehensive mechanism on democracy, the rule of law and fundamental rights, which should include monitoring of the state of affairs regarding racism and discrimination in all EU Member States;
27. Condemns racial and ethnic profiling used by police and law enforcement authorities, and considers that police and law enforcement forces must have an exemplary record on anti-racism and anti-discrimination; calls for the EU and the Member States to develop policies and measures to tackle discrimination and to end racial or ethnic profiling in all forms in criminal law enforcement, counter-terrorism measures and immigration controls; stresses, in particular, that the new technologies to be used by law enforcement authorities must be designed and used in such a way that they do not create risks of discrimination for racial and ethnic minorities; proposes action to strengthen the training of members of police and law enforcement forces on strategies to fight against racism and discrimination, and to prevent, identify and respond to racial profiling; calls on the Member States not to leave cases of police brutality and abuses unpunished, and to properly investigate, prosecute and sanction them;
28. Condemns the use of violent and disproportionate interventions by State authorities; encourages the relevant authorities to ensure transparent, impartial, independent and effective investigation when the use of disproportionate force is suspected or has been alleged; recalls that law enforcement agencies must always be held accountable for the fulfilment of their duties and their compliance with the relevant legal and operational frameworks, in particular the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;



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29. Calls on the Member States to ensure that the use of force by law enforcement authorities is always lawful, proportionate, necessary and the last resort, and that it preserves human life and physical integrity; notes that the excessive use of force against crowds contravenes the principle of proportionality;
  30. Recalls the right of citizens to record scenes of police violence that can be used as evidence and that people should never be threatened by the police or the responsible authority when recording nor obliged to destroy evidence or be deprived of their goods in order to prevent them from giving testimony;
  31. Asks the Commission to create an independent expert group tasked with developing an EU Code of Police Ethics that provides a set of principles and guidelines for the objectives, performance, oversight and control of the police in democratic societies governed by the rule of law, which can also help police actors in their daily work to properly enforce the prohibition on racism, discrimination and ethnic profiling;
  32. Emphasises that a free press is a fundamental pillar of any democracy; notes the important role of journalists and photojournalists in reporting cases of disproportionate violence, and condemns all instances in which they have been deliberately targeted;
  33. Calls on the relevant EU agencies, including the FRA, the European Agency for Law Enforcement Training (CEPOL) and the European Agency for Law Enforcement Cooperation (EUROPOL), within their respective mandates, to step up their efforts in combating racism and discrimination;
  34. Calls for a serious funding commitment in the next MFF to fight racism and discrimination across the EU; deplors the fact that the proposed amount for the heading 'Justice, Rights and Values' was decreased significantly in the revised multiannual financial framework proposals of the Commission; calls on the Commission to effectively respond to the concern about the increasingly shrinking space for independent civil society in some Member States; recalls the importance of ensuring adequate funding to support activities of civil society actors working on anti-racism and discriminations;;
  35. Stresses that entities that engage in discriminatory activities against racialised communities, or take decisions or implement measures to this effect, should not be eligible for funding through the Union's budget;
  36. Condemns the fact that extremist and xenophobic political forces worldwide are increasingly resorting to the distortion of historical, statistical and scientific facts and employ symbolism and rhetoric that echo aspects of totalitarian propaganda, including racism, anti-Semitism and hatred towards minorities;
  37. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative for the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe, the United Nations, US President Donald Trump and his administration, and the US Congress.
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P9\_TA(2020)0174

**The PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy****European Parliament resolution of 19 June 2020 on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy (2020/2665(RSP))**

(2021/C 362/09)

*The European Parliament,*

- having regard to its resolution of 18 July 2019 on the situation in Hong Kong <sup>(1)</sup>, to its resolutions of 24 November 2016 on the case of Gui Minhai, jailed publisher in China <sup>(2)</sup>, of 4 February 2016 on the case of the missing book publishers in Hong Kong <sup>(3)</sup>, and to its previous recommendations relating to Hong Kong, in particular the recommendation of 13 December 2017 on Hong Kong, 20 years after handover <sup>(4)</sup>,
- having regard to its previous resolutions on China, in particular those of 12 September 2018 <sup>(5)</sup> and of 16 December 2015 <sup>(6)</sup> on EU-China relations,
- having regard to the adoption on 28 May 2020 of the Chinese National People's Congress' resolution on the National Security Law for Hong Kong,
- having regard to the declarations on Hong Kong by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), on behalf of the European Union, of 22 and 29 May 2020,
- having regard to the joint statement of the 21st EU-China summit of 9 April 2019,
- having regard to the Basic Law of the Hong Kong Special Administrative Region (HKSAR) adopted on 4 April 1990, which entered into force on 1 July 1997,
- having regard to the joint communication from the Commission and the VP/HR of 22 June 2016 on elements for a new EU strategy on China (JOIN(2016)0030), the joint communication from the Commission and the VP/HR of 12 March 2019 entitled 'EU-China — A strategic outlook' (JOIN(2019)0005), and the Council conclusions of 18 July 2016 on the EU Strategy on China,
- having regard to the joint reports of the Commission and the VP/HR of 8 May 2019 (JOIN(2019)008), 26 April 2017 (JOIN(2016)0016) and 25 April 2016 (JOIN(2016)0010) on the Hong Kong Special Administrative Region — Annual Report, and the other 20 similar reports preceding it,
- having regard to the 13th annual Structured Dialogue that took place in Hong Kong on 28 November 2019, and the 37th EU-China Human Rights Dialogue, held in Brussels on 1 and 2 April 2019,
- having regard to the Joint Declaration of the Government of the United Kingdom and the Government of the People's Republic of China on the Question of Hong Kong of 19 December 1984, also known as the Sino-British Joint Declaration,

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<sup>(1)</sup> Texts adopted, P9\_TA(2019)0004.

<sup>(2)</sup> OJ C 244, 27.6.2018, p. 78.

<sup>(3)</sup> OJ C 35, 31.1.2018, p. 46.

<sup>(4)</sup> OJ C 369, 11.10.2018, p. 156.

<sup>(5)</sup> OJ C 433, 23.12.2019, p. 103.

<sup>(6)</sup> OJ C 399, 24.11.2017, p. 92.

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- having regard to the EU's 'One China' policy,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
  - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas the 1984 Sino-British Joint Declaration guaranteed, and the 1990 Basic Law of the Hong Kong Special Administrative Region (HKSAR) stipulates that Hong Kong will maintain the autonomy and independence of the executive, legislature and judiciary as well as basic rights and freedoms, including freedom of speech, of assembly, of association and of press for 50 years after the handover of sovereignty; whereas the Basic Law of the HKSAR lays down provisions guaranteeing its autonomy in maintaining security and order, and to enact legislation on any act of treason, secession, sedition or subversion against the Central People's Government; whereas both the Joint Declaration and the Basic Law enshrine the 'One Country, Two Systems' principle' as agreed between China and the United Kingdom; whereas the PRC has also signed and ratified international agreements guaranteeing these rights and has thus acknowledged the significance and universality of human rights; whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR);
- B. whereas the EU advocates the promotion of and respect for human rights, democracy and the rule of law as core values guiding our long-standing relationship with the People's Republic of China, in line with the EU's commitment to uphold these values in its external action; whereas the EU remains a strong supporter of the continued stability and prosperity of Hong Kong under the 'One Country Two Systems' principle and attaches great importance to the preservation of Hong Kong's high degree of autonomy, in line with the Basic Law and with international commitments, as well as to the respect for this principle; whereas in particular since the Occupy Protest, the 'One Country, Two Systems' principle is being eroded through the interference of Chinese authorities, political leaders have been imprisoned, free speech has been eroded, enforced disappearances have increased, and bookshops and media outlets have been bought by owners friendly to Beijing;
- C. whereas the Chinese National People's Congress (NPC) adopted a resolution on 28 May 2020 authorising the NPC Standing Committee to adopt legislation targeting separatism, subversion of state power, terrorism and foreign interference in Hong Kong, and mentions other measures to be taken, including national security education, the establishment of national security organs of the Central People's Government (CPG) in Hong Kong, and regular reporting by the Chief Executive to the CPG on Hong Kong's performance in fulfilling its duty to safeguard national security;
- D. whereas the international community sees this decision as a threat to the 'One Country, Two Systems' principle, believes that it ignores the provisions of the Basic Law and the Joint Sino-British Declaration, goes against Hong Kong's commitments on human rights, entirely bypasses Hong Kong's own legislative process, and constitutes the latest and most blatant of Beijing's continuing attempts ongoing for years to curb the freedom and autonomy of Hong Kong and its citizens' civil liberties;
- E. whereas over recent years, the people of Hong Kong have taken to the streets in unprecedented numbers, exercising their fundamental right to assemble and to protest; whereas instead of reducing the ongoing tensions in Hong Kong's politics and society, this law further intensifies existing unrest; whereas, in February 2019, the HKSAR administration proposed the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 to amend the Fugitive Offenders Ordinance against massive opposition from Hong Kong citizens, sparking the massive protests in Hong Kong in 2019 and 2020, but was later withdrawn after 20 weeks of protests;
- F. whereas during April and May 2020 Beijing redoubled its efforts to impose its rule on Hong Kong while silencing, arresting and prosecuting hundreds of pro-democracy activists and opposition groups; whereas Hong Kong police have enjoyed impunity for all its brutality against demonstrators in 2019 and 2020; whereas more than 360 Hong Kong pro-democracy activists were arrested on 27 May 2020 amid demonstrations against the Chinese anti-sedition law; whereas the Hong Kong police used social distancing measures related to COVID-19 as a pretext to use unnecessary and excessive force against the peaceful vast majority, including tear gas, rubber bullets, beanbags and pepper spray;

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- G. whereas on 20 April 2020 Members of the European Parliament urged the Chief Executive to ensure that charges against 15 pro-democracy activists who participated in peaceful protests in Hong Kong in 2019 are dropped; whereas on 13 May 2020 United Nations human rights experts urged the authorities of the Hong Kong Special Administrative Region to immediately drop the criminal prosecution of the 15 pro-democracy activists;
- H. whereas under the proposed national security plan, activist groups could be banned and prosecuted, Courts could impose long jail sentences for national security violations, China's security agencies could operate openly in the city, and a new ban on terrorism will give to the Chinese authorities, security and military forces ample and unchecked discretion to operate in Hong Kong; whereas mainland China's enforcement agencies have reportedly already been operating in Hong Kong illegally; whereas any operation of PRC law enforcement agencies in Hong Kong is a serious violation of the 'One Country, Two Systems' principle;
- I. whereas Hong Kong's leader Carrie Lam defended the legislation proposed by Beijing admitting that no public consultation will take place in Hong Kong on the security plan, while also claiming that rights and freedoms are not absolute; whereas in a letter published in newspapers on 29 May 2020 the Chief Executive appealed to Hong Kong citizens for their full understanding and staunch support for the Decision passed by the NPC;
- J. whereas the PRC State Council issued a white paper on the practice of the 'One Country, Two Systems' policy in Hong Kong on 10 June 2014, stressing that the autonomy of the HKSAR is ultimately subject to central PRC Government authorisation; whereas the Chinese Government has encouraged the HKSAR Government to adopt a new zero-tolerance policy towards any mention of 'self-determination' or 'independence' on grounds of national security and in contravention of the Basic law;
- K. whereas mainland China's judiciary lacks independence from the government and the Chinese Communist Party and is characterised by arbitrary detention, torture and other ill-treatment, serious violations of the right to a fair trial, enforced disappearances and various systems of incommunicado detention without trial;
- L. whereas a cross-party international coalition led by the former Governor of Hong Kong, Lord Patten, which has so far been joined by around 900 parliamentarians and policymakers from more than 40 countries, issued a statement decrying Beijing's 'unilateral introduction of national security legislation in Hong Kong,' and calling for sympathetic governments to unite against this 'flagrant breach of the Sino-British Joint Declaration';
- M. whereas the Pan-Democracy Camp won an overwhelming victory in the Hong Kong district elections of 24 November 2019; whereas the Hong Kong Legislative Council elections are scheduled for September 2020;
- N. whereas UK Foreign Secretary Dominic Raab stated on 2 June 2020 in the House of Commons that if China follows through with its proposed legislation, the government will put in place new arrangements to allow British National Overseas passport holders in Hong Kong to come to the United Kingdom without the current six month limit, enabling them to live and apply to study and work for extendable periods of 12 months, thereby also providing a pathway to citizenship;
- O. whereas according to Article 21 of the Treaty on European Union (TEU): 'the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world';
1. Deplores the unilateral introduction of national security legislation by Beijing in Hong Kong, as this is a comprehensive assault on the city's autonomy, rule of law, and fundamental freedoms; stresses that the integrity of 'One Country, Two Systems' is seriously threatened; stresses that the introduction of the planned national security legislation would be seen as a breach of the People's Republic of China's commitments and obligations under international law, in particular the Sino-British Joint Declaration, threatens to severely damage the relationship of trust between China and the EU, and affect future cooperation, as well as business confidence in Hong Kong as a major global financial centre;

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2. Strongly condemns the constant and increasing interference by China in Hong Kong's internal affairs, as well the recent assertion by China that the Sino-British Joint Declaration of 1984 is a historic document, and hence no longer valid; stresses that the Chinese Government is bound by the Joint Declaration, which was registered with the UN as a legally binding treaty, to uphold Hong Kong's high degree of autonomy and its rights and freedoms; expresses deep concern that a permanent infringement of Hong Kong's autonomous governing framework will severely dampen its economy; calls upon the PRC Central Government to desist from pressuring the business community into supporting the National Security legislation, and to refrain from labelling international support for Hong Kong's autonomy and Hong Kong's freedoms as 'interference in internal affairs' and acts of subversion and separation, as these concerns address binding international obligations of the PRC;

3. Calls on the Chinese authorities to respect China's international obligations under the Sino-British Joint Declaration; stresses that China should fully respect the Basic Law and the 'One Country, Two Systems' principle, including by finally implementing universal suffrage; underlines that China should not undermine the high degree of autonomy of the Hong Kong Special Administrative Region;

4. Supports the VP/HR's assessment that a new and more robust strategy to deal with a more assertive China is necessary, as well as an open and honest dialogue; urges the Council and the EEAS to adopt a stronger position supporting Hong Kong's continued legal autonomy; stresses that this is paramount to let pro-democracy supporters in Hong Kong and the wider international community know that the EU will stand by its founding values of freedom, democracy, respect for human rights and the rule of law;

5. Strongly urges the Council and the VP/HR to ensure that all aspects of EU relations with the People's Republic of China are guided by principles and values stipulated in Article 21 of the TEU, and to address the issue of the national security law for Hong Kong as a top priority on the agenda of the upcoming EU-China Summit and at the planned EU-China Leaders meeting, as well as other human rights issues, such as the situation of the Uyghurs;

6. Stresses that the EU is China's largest export destination; believes that the EU should use its economic leverage to challenge China's crackdown on human rights by economic means; underlines that the current situation reinforces Parliament's conviction that respect for human rights and fundamental freedoms must be an important element in the negotiations of an EU-China investment agreement; calls on the Commission to make use of all means at its disposal, together with the ongoing negotiations for a bilateral investment agreement, to put pressure on the Chinese authorities to preserve Hong Kong's high degree of autonomy as well as the basic rights and freedoms of its citizens and independent civil society organisations and to improve the human rights situation in the mainland and in Hong Kong; reiterates its call to include a binding and enforceable sustainable development chapter in the agreement; urges the EU, pursuant to Article 21 of the TEU, to include a human rights clause in any future trade agreement with the People's Republic of China; instructs the Commission to inform the Chinese side that Parliament will take the human rights situation in China, including in Hong Kong, into consideration when asked to endorse a comprehensive agreement on investment or future trade deals with the PRC;

7. Stresses that the international community must work together closely to put pressure on Beijing to ensure that its actions are in line with the country's international commitments under the 1984 Sino-British Declaration;

8. Observes that the PRC's policy of abandoning the 'One Country, Two Systems' approach has greatly alienated the people of Taiwan, and emphasises its willingness to cooperate with international partners in order to help strengthening democracy in Taiwan;

9. Calls on the EU and its Member States to consider, in the event the new security law is applied, filing a case before the International Court of Justice alleging that China's decision to impose national security legislation on Hong Kong violates the Sino-British Joint Declaration and the ICCPR;

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10. Urges the EU Member States that are members of the UN Security Council to convene an 'Arria meeting' to discuss the situation in Hong Kong with activists, NGO representatives and UN Special Rapporteurs; calls, in this context, on the EU to push for the UN Secretary General or the UN High Commissioner for Human Rights to appoint a UN Special Envoy or Special Rapporteur on the situation in Hong Kong, joining the initiative by the Chairs of the UK, Canadian, Australian, and New Zealand Foreign Affairs Committees;
11. Calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong, and to coordinate action with international partners, in particular with the United Kingdom;
12. Calls on the Council and in particular on the incoming Council Presidency to finalise in 2020 the work on an EU Global Human Rights Sanctions Mechanism as supported by the European Parliament in its resolution of 14 March 2019 <sup>(7)</sup>, and calls on the Council to adopt targeted sanctions and assets freezes against Chinese officials responsible for devising and implementing policies that violate human rights; believes this human rights framework could be used to impose Magnitsky-style sanctions on the leaders who conduct this crackdown on Hong Kong and its people and are responsible for serious human rights abuses; stresses that such sanctions should be discussed and, when possible coordinated with democratic partners such as Australia, Canada, the USA, Japan and South Korea;
13. Calls for the EU, its Member States and the international community to work towards the imposition of appropriate export control mechanisms including cyber surveillance items to deny China, and in particular Hong Kong, access to technologies used to violate basic rights; calls on the co-legislators, in this regard, to conclude a common position on reform of the Dual Use Regulation; stresses that Parliament has further developed and strengthened the Commission's proposal on the inclusion of strict export controls for listed and non-listed cyber-surveillance technology;
14. Calls on the EU Member States to carefully consider how to avoid economic and in particular technological dependency on the PRC, including in EU Member State decisions on developing their 5G networks;
15. Calls on the Council and the Commission to consider the creation of a 'life boat' scheme for the citizens of Hong Kong in the case of any further deterioration of human rights and fundamental freedoms;
16. Strongly condemns all cases of human rights violations in Hong Kong, in particular arbitrary arrests, rendition, forced confessions, incommunicado custody and violations of the freedoms of publication and of expression; calls for an immediate end to human rights violations and political intimidation; expresses grave concern over the reported practices of secret detention, of torture and ill-treatment, and of forced confessions; calls on the EU Member States to fully apply the relevant EU human rights guidelines, mobilising all diplomatic personnel to resolutely react to arrests and convictions of activists, including by ensuring trial observation, requesting prison visits, reaching out to relevant authorities to urge the release of those detained and convicted for the peaceful exercise of their freedom of expression;
17. Calls for an independent, impartial, effective and prompt investigation into the use of force by Hong Kong police against protesters; calls on the authorities of the Hong Kong Special Administrative Region to ensure that the charges against the 15 pro-democracy activists and politicians, as well as peaceful demonstrators, are dropped and the prosecution is stopped, including, among others, Martin Lee, Margaret Ng, Lee Cheuk-yan, Benny Tai, Jimmy Lai, Albert Ho and Leung Kwok-hung;
18. Expresses great concern at the steady deterioration of civil rights, political rights and press freedom; is deeply concerned by the abrogation of journalists' rights, the unprecedented pressure on journalists and their increasing self-censorship with regard, in particular, to coverage of sensitive issues on mainland China or those concerning the HKSAR Government;
19. Expresses growing concern over the heightened risk of the entry into force of the National Security Law for hundreds of thousands of EU citizens in Hong Kong;

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<sup>(7)</sup> Texts adopted, P8\_TA(2019)0215.



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20. Urges the VP/HR and the Member States' delegations to monitor closely and report regularly on the run-up to the Legislative Council (LegCo) elections currently scheduled for September, taking particular note of whether candidates are unjustly barred from running either through procedural obstacles or baseless legal proceedings, taking note also of whether all have access to assemble for campaign purposes, and whether voters are able to cast their votes freely; calls upon the HKSAR Government to ensure free and fair elections to the Legislative Council in September 2020; urges China to refrain from interference in the election processes in the HKSAR; reiterates its call for a systematic reform to implement direct elections for the position of Chief Executive and to the Legislative Council, as enshrined in the Basic Law, and calls for agreement on an electoral system that is overall democratic, fair, open and transparent and that grants the people of the HKSAR the right to elect candidates, and to stand for election in the selection process for all leadership positions;
21. Calls for the immediate and unconditional release of Swedish bookseller Gui Minhai imprisoned in the PRC;
22. Calls on the VP/HR, the EEAS and the Member States to firmly raise all these concerns and to ensure a dialogue with the governments of the HKSAR and of China; recalls the importance for the EU to raise the issue of human rights violations in China, in particular the case of minorities in Tibet and Xinjiang, at every political and human rights dialogue with the Chinese authorities, in line with the EU's commitment to project a strong, clear and unified voice in its approach to the country; recalls, further, that in its ongoing reform process and increasing global engagement, China has opted into the international human rights framework by signing up to a wide range of international human rights treaties; calls for the dialogue with China to be pursued to ensure that it lives up to these commitments;
23. Pays respect to the brave people of China who gathered in Beijing's Tiananmen Square in June 1989 to call for the elimination of corruption, for political reforms and civil liberties; urges the Chinese authorities to enable the commemoration of the Tiananmen massacre not only in Hong Kong, but also in the whole territory of the PRC;
24. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of the People's Republic of China, and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.
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Friday 19 June 2020

P9\_TA(2020)0175

**Situation in the Schengen area following the Covid-19 outbreak****European Parliament resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak (2020/2640(RSP))**

(2021/C 362/10)

*The European Parliament,*

- having regard to the 35th anniversary of the Schengen Agreement signed on 14 June 1985 <sup>(1)</sup>, the 30th anniversary of the Convention implementing the Schengen Agreement signed on 19 June 1990 <sup>(2)</sup>, and the 25th anniversary of the entry into force of the Schengen Agreement on 26 March 1995,
- having regard to Article 67(2) of the Treaty on the Functioning of the European Union (TFEU), which provides that the Union must constitute an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 21(1) of the TFEU, which provides that every citizen of the Union must have the right to move and reside freely within the territory of the Member States,
- having regard to the Charter of Fundamental Rights, including Article 45 thereof, which stipulates that every citizen of the Union has the right to move and reside freely within the territory of the Member States,
- having regard to 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) <sup>(3)</sup>, which codified Regulation (EC) No 562/2006 <sup>(4)</sup> of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), which had been the first act adopted under the codecision procedure in the area of Justice and Home Affairs,
- having regard to 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 (the Free Movement Directive) <sup>(5)</sup>, and the principle of non-discrimination enshrined therein,
- having regard to the Commission’s guidelines (‘COVID-19: Guidelines for border management measures to protect health and ensure the availability of goods and essential services’) of 16 March 2020 (C(2020)1753), endorsed by the Heads of State or Government on 17 March 2020,
- having regard to the conclusions of the President of the European Council following the videoconference of 17 March 2020 with members of the European Council on COVID-19, which endorsed the call to reinforce the external borders by applying a coordinated temporary restriction on non-essential travel to the EU for a period of 30 days, based on the Commission communication ‘COVID-19: Temporary Restriction on Non-Essential Travel to the EU’ (COM(2020)0115) and its subsequent prolongation,
- having regard to the Commission communication ‘COVID-19: Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy’ of 30 March 2020 (C(2020)2050),

<sup>(1)</sup> The Schengen acquis — Agreement 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 (OJ L 239, 22.9.2000, p. 13).

<sup>(2)</sup> The Schengen acquis — 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 (OJ L 239, 22.9.2000, p. 19).

<sup>(3)</sup> OJ L 77, 23.3.2016, p. 1.

<sup>(4)</sup> OJ L 105, 13.4.2006, p. 1.

<sup>(5)</sup> OJ L 158, 30.4.2004, p. 77.

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- having regard to the Joint European Roadmap towards lifting COVID-19 containment measures presented by the President of the Commission and the President of the European Council,
  - having regard to the Commission communication of 8 April 2020 on the assessment of the application of the temporary restriction on non-essential travel to the EU (COM(2020)0148),
  - having regard to the Commission communication ‘COVID-19: Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls’ of 13 May 2020 (C(2020)3250),
  - having regard to its resolution of 30 May 2018 on the annual report on the functioning of the Schengen area <sup>(6)</sup>,
  - having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders <sup>(7)</sup>,
  - having regard to the preparatory work for this resolution undertaken by the Committee on Civil Liberties, Justice and Home Affairs’ Working Group on Schengen Scrutiny,
  - having regard to the questions to the Council and to the Commission on the situation in the Schengen area following the COVID-19 outbreak (O-000037/2020 — B9-0010/2020 and O-000038/2020 — B9-0011/2020),
  - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- A. whereas as a response to the COVID-19 pandemic, most Member States, which, given the subject-matter of this resolution, include the Schengen associated countries, have reintroduced internal border controls or have closed such borders, either partially or totally, or have closed them to certain types of travellers, including EU citizens and their family members and third-country nationals residing on their territory or that of another Member State; whereas there was a clear lack of coordination among Member States and with the Union institutions when these measures were introduced;
- B. whereas internal border controls affect the rights and freedoms of people as enshrined in Union law; whereas travel restrictions at the external borders shall not affect the right to seek asylum;
- C. whereas the free movement of persons provided for in the Schengen Agreement and the Convention implementing the Schengen Agreement is accompanied by compensatory measures aiming to guarantee security within the territory of the Schengen States <sup>(8)</sup>; whereas these compensatory measures include instruments such as the Schengen Information System (SIS) and other large-scale IT systems which exist to ensure the exchange of information among the authorities of the Schengen States and common rules for the protection of the external borders;
- D. whereas the key requisite for the proper functioning of the area without internal border control is mutual trust among the Member States;
- E. whereas, following the original lifting of internal border controls, such controls were rarely reintroduced; whereas since 2015, however, several Member States have maintained internal border controls based on the justification of increased levels of migration and/or security threats; whereas Parliament has raised questions about the legality and proportionality of those internal border controls;
- F. whereas a return to a fully functional Schengen area is of the utmost importance to safeguard the principle of freedom of movement as one of the main achievements of European integration and as a key prerequisite for the EU’s economic recovery after the COVID-19 pandemic;

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<sup>(6)</sup> OJ C 76, 9.3.2020, p. 106.

<sup>(7)</sup> Texts adopted, P8\_TA(2018)0497.

<sup>(8)</sup> Declaration of the Executive Committee of 26 June 1996 on extradition (SCH/Com-ex (96) Decl. 6 Rev. 2) (OJ L 239, 22.9.2000, p. 435).

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1. Recalls that the Schengen area is a tangible and cherished achievement at the very heart of the EU project, allowing unrestricted travel for more than 400 million people and having priceless value for citizens and businesses alike, and unique across history and the world;
2. Expresses concern about the current situation with regard to the internal border controls introduced by so many Member States, and the various other measures taken which include the closure of borders fully or partially, or their closure to certain types of travellers, including EU citizens or third-country nationals residing on the territory of the Member States, and the very serious impact those measures are having on people and businesses, including on the tourism and seasonal work sectors;
3. Points out, while fully supporting the public health measures put in place to limit the spread of COVID-19 through physical distancing, including imposed confinement measures decided on by Member States to be applicable to their territories, that Member States have provided little justification in their formal notifications under the Schengen Borders Code as to how border control is an appropriate means to limit the spread of COVID-19; recalls, in that regard, that border control is defined in the Schengen Borders Code as 'the activity carried out at a border in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration'; believes that more targeted restrictions applicable at regional level, including cross-border regions, would have been more appropriate and less intrusive;
4. Points out that the rules governing the Union's internal borders are laid down in the Schengen Borders Code and that when adopting any measures that have an impact upon the crossing of internal borders Member States must respect both the spirit and the letter of that Code;
5. Recalls that the terminology of the Schengen Borders Code is unequivocal: control at internal borders is to be the exception, a measure of last resort, based on objective criteria, likely to adequately remedy the serious threat to public policy or internal security, strictly necessary and proportionate, with a strictly limited scope and for a strictly limited period of time; considers that many of the notifications provided by Member States lack sufficient detail to allow for a verification as to whether those principles have been respected;
6. Points out that the notion of 'last resort' requires a verification as to whether other measures may be equally or better suited to achieving the objective; calls on Member States to recognise the option of imposing minimum health checks as a superior alternative to introducing internal border controls; recalls in this regard the health-related measures detailed in the Commission guidelines<sup>(9)</sup>; recalls in addition the Commission's recommendation on proportionate police checks<sup>(10)</sup>, according to which 'where in a situation of a serious threat to public policy or internal security, Member States consider applying chapter II of Title III of the Regulation (EU) 2016/399 (introducing internal border control), they should first assess whether the situation can be adequately addressed by way of stepping up police checks within the territory, including in border areas';
7. Acknowledges that the Schengen Area has never before experienced the outbreak of such a serious pandemic on its territory; recalls that the provisions of the Schengen Borders Code state explicitly that a threat to public health may constitute a ground for refusal of entry at the external border, and further recalls that the Code does not — and the Convention implementing the Schengen Agreement did not — mention public health as a ground for the reintroduction of internal border controls, foreseeing the reintroduction of internal border controls only to address serious threats to public policy or internal security;
8. Regrets the fact that some Member States introduced border controls and other border restrictions at short notice without providing sufficient information to their own populations and other Member States; deplores, moreover, the collateral consequences of border checks observed at some internal borders, such as excessive waiting times without adequate hygiene facilities and adequate physical distancing, thereby creating health risks both for the persons subject to the border checks and for border guards, and the additional burden placed on already overstretched border guards and police officers, who are not trained health professionals; expresses concern, moreover, at the numerous obstacles encountered by many cross-border workers within the Schengen area since the outbreak of the pandemic, including the lack of clear and available information regarding restrictions applicable to them when crossing borders;

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<sup>(9)</sup> Commission Recommendation C(2020)1753 of 16 March 2020 on Guidelines for border management measures to protect health and ensure the availability of goods and essential services.

<sup>(10)</sup> Commission Recommendation C(2017)3349 final of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area.

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9. Notes that, under the Free Movement Directive, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public health; insists, nonetheless, that the safeguards laid down in that directive must be guaranteed by all Member States and that, in particular, non-discrimination between Member States' own nationals and resident EU-citizens must be ensured;

10. Considers that a swift return to a fully functional Schengen area is of the utmost importance, and depends both on the political will of the Member States and their commitment to coordinate measures under the Schengen *acquis*; calls on the Commission to take the lead in coordinating action at European level, with the objective of addressing the challenge that COVID-19 poses to the health of European citizens, while maintaining the Schengen area as an area without internal border controls, in full respect of the principles of solidarity and mutual trust; believes that the search for European responses will deliver mutual benefits; deeply regrets and rejects any uncoordinated, bilateral or multilateral action by individual Member States, discussed outside the Union framework; requires that any arrangement must respect the principle of non-discrimination;

11. Calls on Member States to reduce restrictions on the freedom of movement to the same extent that COVID-19 containment measures are relaxed; considers that with the appropriate Union-level coordination, a more regional approach may be more proportionate than national border controls and might allow for restrictions on freedom of movement to be lifted where the public health situation in neighbouring regions has comparably improved;

12. Calls urgently on Member States to discuss, together with Parliament, the Council and the Commission, a Recovery Plan for Schengen, including the ways and means to return to a fully functioning Schengen area without internal border control and contingency plans in the event of a potential second peak, as quickly as possible, in order to prevent temporary internal border controls from becoming semi-permanent in the medium term;

13. Recalls that, according to the Schengen Borders Code, the assessment of the necessity for internal border control and its prolongation when introduced as an immediate action should be monitored at Union level; calls on the Commission in that respect to exercise appropriate scrutiny over the application of the Schengen *acquis*, and in particular to assess the measures already taken by Member States, as well as the timeliness and quality of notifications made by the Member States, to closely monitor developments and, where necessary, to remind Member States of their legal obligations and to adopt opinions; encourages the Commission to make use of its prerogatives to request additional information from Member States; calls on the Commission to enhance its reporting to Parliament on how it exercises its prerogatives under the Treaties;

14. Deplores the fact that the provision of the Schengen Borders Code under which Member States are to report within four weeks of the lifting of border controls to Parliament, the Council and the Commission has lost its intended purpose, resulting in Parliament being uninformed; calls, therefore, on the Member States which have introduced internal border controls to report in a timely manner, at least every six months, to Parliament by providing accurate and detailed data on the grounds for reintroduction of internal border controls; deeply regrets that the Commission, since 2015, has not published the annual report on the functioning of the area without internal border controls, something it is obliged to do under the Schengen Borders Code;

15. Recalls that temporary travel restrictions applying to all non-essential travel from third countries to the Schengen Area have been introduced; underlines that all decisions on refusal of entry at external borders need to be in accordance with the provisions of the Schengen Borders Code, including the respect of fundamental rights in particular, as laid down in Article 4 thereof;

16. Calls on the Council and the Member States to step up their efforts to achieve the completion of Schengen integration with all EU Member States; reiterates its call on the Council to present a new draft decision on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania as soon as possible; is prepared, when consulted by the Council in accordance with Article 4 of the Act of Accession, to express its opinion on the full application of the provisions of the Schengen *acquis* in Croatia; considers that solidarity and responsibility are for all, and that the future of the Schengen area can only be one without fragmentation;

17. Considers that, in the medium term, a reflection is necessary on how to enhance mutual trust between Member States and ensure that the Union's legislative tools provide for a truly European governance of the Schengen area, which would allow for an effective European coordinated response to challenges such as the COVID-19 pandemic, while maintaining the right to freedom of movement and the principle of the absence of controls at internal borders, which is at the heart of the Schengen project cherished by EU citizens; calls for a proposal from the Commission to that end to reform Schengen governance in light of new challenges;

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18. 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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P9\_TA(2020)0176

## **European protection of cross-border and seasonal workers in the context of the COVID-19 crisis**

**European Parliament resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis (2020/2664(RSP))**

(2021/C 362/11)

*The European Parliament,*

- having regard to Article 3(2) of the Treaty on European Union (TEU),
- having regard to Articles 4, 9, 26(2), 45, 46, 48, 151, 153 and 168 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the European Pillar of Social Rights, in particular principles 5, 6, 10, 12 and 16 thereof,
- having regard to the Community Charter of the Fundamental Social Rights of Workers,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers <sup>(1)</sup>,
- having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union <sup>(2)</sup>,
- having regard to Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers <sup>(3)</sup>,
- having regard to Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work <sup>(4)</sup>,
- having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority <sup>(5)</sup>,
- having regard to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems <sup>(6)</sup>,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems <sup>(7)</sup>,
- having regard to Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) <sup>(8)</sup>,

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<sup>(1)</sup> OJ L 128, 30.4.2014, p. 8.

<sup>(2)</sup> OJ L 141, 27.5.2011, p. 1.

<sup>(3)</sup> OJ L 94, 28.3.2014, p. 375.

<sup>(4)</sup> OJ L 327, 5.12.2008, p. 9.

<sup>(5)</sup> OJ L 186, 11.7.2019, p. 21.

<sup>(6)</sup> OJ L 284, 30.10.2009, p. 1.

<sup>(7)</sup> OJ L 166, 30.4.2004, p. 1.

<sup>(8)</sup> OJ L 393, 30.12.1989, p. 1.



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- having regard to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services <sup>(9)</sup>,
- having regard to Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services <sup>(10)</sup>,
- having regard to Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') <sup>(11)</sup>,
- having regard to Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work <sup>(12)</sup>,
- having regard to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law <sup>(13)</sup>,
- having regard to Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 concerning minimum standards on sanctions and measures against employers of illegally staying third-country nationals <sup>(14)</sup>,
- having regard to the Commission communication of 13 May 2020 on COVID-19 — Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls (C(2020)3250),
- having regard to the Joint Declaration of the European Social Partners of Agriculture — the Employers' Group of Professional Agricultural Associations in the EU (GEOPA-COPA) and the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) — of 15 May 2020 on the deployment of seasonal workers from European countries in the EU,
- having regard to the Joint Statements of the Social Partners of the European Horeca sector — EFFAT and the umbrella association of hotels, restaurants and cafés (HOTREC) — of 11 March 2020 and 27 April 2020,
- having regard to the Guidelines of the Social Partners in the food manufacturing industry EFFAT and FoodDrinkEurope of 9 April 2020 to protect the health and safety of workers in food business during the COVID-19 pandemic,
- having regard to Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union <sup>(15)</sup>,
- having regard to Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State <sup>(16)</sup>,
- having regard to the 2018 Global Compact for Safe, Orderly and Regular Migration, in particular Objectives 5 and 22,
- having regard to the Joint European Roadmap towards lifting COVID-19 containment measures,
- having regard to the joint statement of the members of the European Council of 26 March 2020,

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<sup>(9)</sup> OJ L 18, 21.1.1997, p. 1.

<sup>(10)</sup> OJ L 173, 9.7.2018, p. 16.

<sup>(11)</sup> OJ L 159, 28.5.2014, p. 11.

<sup>(12)</sup> OJ L 262, 17.10.2000, p. 21.

<sup>(13)</sup> OJ L 305, 26.11.2019, p. 17.

<sup>(14)</sup> OJ L 168, 30.6.2009, p. 24.

<sup>(15)</sup> OJ L 186, 11.7.2019, p. 105.

<sup>(16)</sup> OJ L 343, 23.12.2011, p. 1.

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- having regard to the Commission communication of 13 March 2020 on a coordinated economic response to the COVID-19 Outbreak (COM(2020)0112),
  - having regard to the Commission communication of 30 March 2020 on guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak,
  - having regard to the Commission communication of 30 March 2020 on COVID-19: Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy (C(2020)2050),
  - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences <sup>(17)</sup>,
  - having regard to its resolution of 4 July 2017 on working conditions and precarious employment <sup>(18)</sup>,
  - having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs), in particular SDGs 3 and 8,
  - having regard to the fundamental labour standards established by the International Labour Organization (ILO) and to its conventions and recommendations on working conditions,
  - having regard to ILO Convention 184 (Safety and Health in Agriculture),
  - having regard to the Commission communication of 13 May 2020 on tourism and transport in 2020 and beyond (COM(2020)0550),
  - having regard to the guidelines of the European Agency for Safety and Health at Work (EU-OSHA) of 24 April 2020 entitled 'COVID-19: back to the workplace — adapting workplaces and protecting workers',
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the free movement of workers is a right for workers and a fundamental principle of the European Union, and essential to the proper functioning of the internal market; whereas labour mobility should not only be free but also fair; whereas the principle of equal treatment is enshrined in Article 45(2) of the TFEU, which forbids any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment; whereas this principle applies equally to cross-border and seasonal workers, who must be guaranteed equal treatment with workers who are nationals of their host Member State in line with EU legislation, whether it be equal rights, equal working conditions or equal protection;
- B. whereas cross-border workers include persons who exercise their right of free movement to work in one EU Member State while remaining resident in another, frontier workers and posted workers; whereas a frontier worker is a worker who is employed in the frontier zone of an EU Member State but who returns each day or at least once a week to the frontier zone of a neighbouring country in which they reside and of which they are nationals; whereas a posted worker is an employee who is sent by their employer to carry out a service in another EU Member State on a temporary basis, in the context of a contract of services, an intra-group posting or a hiring out through a temporary agency; whereas seasonal workers include EU and third country nationals who travel to a Member State to temporarily live and carry out an activity dependent on the passing of the seasons;
- C. whereas there are over 17 million EU citizens who live and work abroad in an EU country other than that of their citizenship (3,9 % of the total labour force in 2018); whereas there are 1,5 million cross-border workers in the EU; whereas there are over 2,3 million posting operations for which services are carried out in another Member State;
- D. whereas the COVID-19 pandemic is a serious threat to public health, impacting the health and lives of all persons residing in the EU and the health and care systems in the Member States; whereas the crisis has further impacted European society and the European economy, particularly those workers and sectors who are on the frontline; whereas all workers are affected, regardless of their status; whereas the outbreak of the pandemic has shed light on the inherent link between fair and safe mobility;

<sup>(17)</sup> Texts adopted, P9\_TA(2020)0054.

<sup>(18)</sup> OJ C 334, 19.9.2018, p. 88.

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- E. whereas many cross-border and seasonal workers are essential to the provision of critical goods and services in key economic sectors such as agriculture and food production, transport, logistics, construction, social services including care, social work and tourism, but also food processing and packaging, fisheries, forestry, healthcare and research, the IT and pharmaceutical industries, critical infrastructure industries and other sectors, and are vital to any economic recovery effort; whereas the business models of some temporary agencies and employers in these sectors can be based on reducing labour costs and precarious working conditions; whereas labour inspectorates repeatedly report violations of labour rights of cross-border and seasonal workers in these sectors;
- F. whereas cross-border and seasonal workers have been severely impacted by both the crisis and Member States' measures to contain and prevent the spread of the virus, particularly border closures, temporary restrictions and internal border controls; whereas the COVID-19 pandemic led to the closure of borders and the cessation or suspension of numerous economic activities, which in turn led to increased unemployment and serious relocation issues for cross-border and seasonal workers who found themselves stuck in Member States of former employment, without means of income, protection or transportation and, at times, with no shelter, access to healthcare or food; whereas young and women cross-border and seasonal workers can be particularly vulnerable;
- G. whereas numerous cross-border and seasonal workers are employed under short-term work contracts, which afford them little or no job security and insufficient or no social security coverage, and often leave them below national qualification thresholds for receiving social benefits; whereas numerous cross-border and seasonal workers often come from impoverished and vulnerable regions, minorities and social groups, are often at risk of in-work-poverty and social exclusion, and can be subject to possible violations of their rights by recruiters, agencies or employers, all of which have been exacerbated by the pandemic; whereas workers on short-term assignment often live in group accommodation, which makes social distancing difficult and increases their risk of infection; whereas large outbreaks of COVID-19 infections occurred in industries such as food production and are likely to continue in sectors and workplaces where social distancing may be difficult to observe unless appropriate measures are introduced;
- H. whereas numerous cross-border and seasonal workers are in a particularly vulnerable situation as regards their working conditions and occupational health and safety in the context of the COVID-19 crisis; whereas disturbing reports regarding breaches of cross-border and seasonal workers' rights in terms of working and living conditions have surfaced during the crisis, namely on working time, minimum wages, unfair dismissals, workplace health and safety standards, such as a lack of written instructions and display notices at the workplace, a lack of safe transport and decent accommodation that meet sanitary requirements and where social distancing measures can be maintained, high pressure and non-adapted working patterns, posting arrangements and subcontracting practices, non-compliance with quarantine restrictions and repatriation support, and an inadequate provision of personal protective equipment (PPE); whereas these reports and the crisis generally have exposed and exacerbated social dumping and the existing precariousness of the situations of many cross-border and seasonal workers and gaps in the implementation and enforcement of existing legislation for their protection; whereas many cross-border and seasonal workers are in practice dependent on their employer or temporary agency for not only their income, but also their housing; whereas numerous cross-border and seasonal workers have ended up on the streets following being fired; whereas on account of their vulnerable circumstances, these workers may also find it hard to report abuses or stay away from work if they feel sick, owing to a lack of information or fear of losing their income, accommodation or residence status;
- I. whereas cross-border self-employed workers and entrepreneurs have also been severely impacted by the crisis; whereas actions and measures taken by Member States during the COVID-19 pandemic in order to financially compensate workers, self-employed workers and entrepreneurs are mainly based on the national labour market and often lack proper provisions for cross-border workers and cross-border self-employed workers;
- J. whereas a number of workers have contracted COVID-19, with fatalities occurring in several Member States; whereas the access of some such workers to proper care, medical attention and facilities as well as health and social insurance was problematic or in some instances non-existent even before the crisis; whereas promotion and access to sick leave among such workers is also an issue;
- K. whereas the European Labour Authority (ELA) was established in July 2019 with the aim of supporting Member States and the Commission in the effective application and enforcement of Union law related to labour mobility and social security coordination; whereas the ELA is expected to reach its full operational capacity by 2024;

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- L. whereas civil society organisations (CSOs) and social partners have been instrumental in providing aid to workers during the crisis, both in their home countries and their Member States of employment;
- M. whereas the vast majority of cross-border and seasonal workers affected by the economic effects of the COVID-19 pandemic have as yet been unable to access adequate social protection and security entitlements, due to impeded coordination between the social security institutions of the Member States which has been exacerbated by COVID-19; whereas cross-border and seasonal workers have found themselves in situations where they are not necessarily eligible for temporary support measures such as short-time work schemes, adjusted unemployment benefits and measures to facilitate working from home;
- N. whereas during the crisis some Member States have taken action to address the vulnerabilities that cross-border and seasonal migrant workers face in the context of the COVID-19 crisis and take note of their role in our societies;
- O. whereas frontier workers and EU border regions have also been severely affected by the crisis in terms of employment, access to the workplace and teleworking arrangements, and legal uncertainty with regard to applicable social security and tax regimes;
- P. whereas the European agricultural sector sometimes sees below average incomes coupled with a high working time, incidences of accidents and illnesses and low participation in education and training programmes, particularly for cross-border and seasonal workers; whereas poor working conditions in the agricultural sector are one of the main causes of labour shortages in some Member States;
- Q. whereas there is no EU-wide systematic data-gathering or digital tracking system in place to provide adequate data on the total numbers of cross-border and seasonal workers affected or to allow workers to easily and quickly establish the status of their social security coverage and claim various entitlements accrued before the crisis began; whereas municipalities too often lack information on the cross-border and seasonal workers who are living and working there;
- R. whereas there is a risk that the crisis may continue to exacerbate existing problems in the treatment of cross-border and seasonal workers by some recruitment agencies and local employers;

### ***Protecting rights, ensuring safety and enforcing existing legislation***

1. Welcomes the Commission's continuing guidance as part of the ongoing coordination of a common EU response to the COVID-19 outbreak, particularly as regards the implementation of the principle of equal treatment and non-discrimination, and the exercise of the free and fair movement of workers; stresses that border controls, health screenings and restrictions on movement must remain proportionate and exceptional and that all freedom of movement should be re-established as soon as it is deemed safe with regard to national situations on COVID-19; recalls that the principle of equal treatment is not limited to cross-border and seasonal workers only in essential sectors and occupations, but extends to all such workers who need to cross internal borders, given that the sectors in question are also open to local workers in the host Member State of work; calls on the Member States which have not yet done so to lift as soon as possible all travel restrictions and discriminatory confinement and quarantine measures for cross-border and seasonal workers to avoid labour shortages in key sectors and for the benefit of the workers, while ensuring their health and safety;
2. Calls on the Commission and the Member States to implement measures to ensure that cross-border and seasonal workers and cross-border entrepreneurs and self-employed persons are afforded adequate protection from COVID-19 and its effects, including easy access to testing, and are informed about the risks and the safety precautions to be taken in a language they understand; stresses the particular vulnerability of young and women cross-border and seasonal workers; calls, furthermore, for measures to ensure that their health and safety are safeguarded during their travel to and decent housing conditions ensuring social distancing at their places of their employment other than of their residence, and that repatriation solutions that are not at the expense of the worker are made available, should they be necessary; underlines that existing legislation concerning the access to social rights, including their exportation, must be respected; underlines that cross-border and seasonal workers must not be left behind for having exercised their freedom of movement as EU citizens;

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3. Calls on the Commission and the Member States to support the work of social partners and CSOs actively working in this area so as to ensure that any workers who are left stranded on their territory as a result of the crisis or otherwise have adequate and urgent access to public services, trade union support, decent housing, protective equipment, meals and healthcare; welcomes the engagement of the social partners to address sector-specific issues as regards the mobility and rights of cross-border and seasonal workers;
4. Calls on the Commission and the Member States to ensure, in the context of COVID-19, the equal treatment of third-country seasonal workers with EU nationals, as stated in Directive 2014/36/EU, recalling that such workers have the same labour and social rights as EU citizens;
5. Calls on the Commission and the Member States to ensure, as a matter of urgency, the proper implementation and enforcement of applicable EU legislation as regards the rights of cross-border and seasonal workers, particularly as regards the right to equal pay for equal work in the same place, including through national and cross-border concerted and joint labour inspections; insists that clear steps must be taken to ensure that workers have a clear understanding of, full information about and unhindered access to their contracts, rights and obligations before departure and that these contracts are made available to labour protection entities within their area of employment; calls on the Member States to enhance the capacity of labour inspectorates and to prioritise sectors where workers are at risk;
6. Calls on the Commission to monitor the implementation of its guidelines on the free movement of workers during the COVID-19 outbreak and, in particular, to issue new specific guidelines for cross-border and seasonal workers and cross-border entrepreneurs and self-employed persons, employers and Member States in the context of COVID-19, specifically as regards exercising free and fair movement, decent housing, the applicable working and employment conditions, and health and safety requirements including the need to ensure social distancing during transport, in housing and in the workplace, social security protection and coordination, access to and the provision of healthcare, the provision of information such as written instructions and display notices at the workplace to workers in a language they can understand, and the exchange of best practices thereof; underlines that social partners must be fully involved in drafting these guidelines;
7. Calls on the Member States to ensure quality housing for cross-border and seasonal workers, which should be decoupled from their remuneration and ensure decent facilities, tenant privacy and written tenancy contracts enforced by labour inspectorates, and to establish standards in this regard;
8. Calls on the Commission to ensure that the ELA becomes fully operational as a matter of priority and works to provide relevant information on the rights and obligations of individuals in cross-border labour mobility situations, including through a single EU-wide website, which should serve as a portal for accessing information sources and services at EU and national levels; identifies the lack of a harmonised process to signal abuses and problems; therefore calls on the ELA, in coordination with the relevant Member State authorities, to create a European facility for cross-border workers to anonymously report abuse and to implement Article 8(1) of Regulation (EU) 2019/1149 with a view to carrying out joint or concerted inspections into cases of possible abuse brought to its attention;
9. Calls on the Commission to propose long-term solutions to deal with abusive subcontracting practices and safeguard seasonal and cross-border workers employed along the subcontracting and supply chain;

### ***Promoting fair mobility and strengthening the internal market***

10. Calls on the Member States and the Commission to prepare for possible future waves of COVID-19, and calls once again for the coordination of national border measures and the development of safety measures for mobile workers, including safe shelter; notes that standing mobility contingencies must be put in place, with the identification and maintaining of 'green corridors', complete with safety measures and well-established and communicated travel conditionalities and conditions; highlights, in this regard, the key role for regional and local authorities and existing cross-border institutions, including in maintaining and regularly updating the records of all cross-border and seasonal workers registered in the municipalities where they have their housing; underlines that the guiding principles for any measure taken in view of the crisis and the road to recovery should be the health and safety of all workers, and the respect for and effective enforcement of all applicable working conditions, recognising the particularly vulnerable situation of cross-border and mobile workers during the COVID-19 outbreak and its aftermath;



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11. Recalls the importance of and need for good cooperation with third countries where there are a high number of cross-border workers, such as those in the European Economic Area (EEA), Switzerland and the United Kingdom;

12. Underlines the need for good cooperation between the Member States regarding the collection of data on cross-border and seasonal workers in order to bridge gaps in national practices, gain better access to available information, and create a predictable and accessible internal labour market; calls on the ELA to take an active role in collecting and coordinating data for the purposes of carrying out analysis on labour mobility and risk assessments in accordance with its tasks as set out in its founding regulation;

13. Believes that in order to protect cross-border and seasonal workers, employers also need clear rules and legal clarity; invites the Member States to collect and keep updated information regarding all such rules, including those relating to COVID-19 and travel restrictions, on the websites of their relevant national institutions; invites the Commission to examine the possibility of creating a portal or mobile application which would be able to collate data from the Member States in order to offer EU citizens accurate and real-time travel restriction information, complete with travel options and available routes in the event that emergency measures were partially or completely reintroduced;

14. Calls on the Commission and the Member States to ensure that cross-border workers, in particular frontier workers and self-employed persons affected by the crisis and including those teleworking from their country of residence, have access to applicable social security, labour rights and tax regimes, and certainty as regards the competent authority for their coverage, can benefit from short-time work schemes under the same conditions as other employees, and are not negatively impacted in their tax or social security rights owing to the duration of their stay in their Member State of residence as a result of the pandemic; requests that time worked as teleworking abroad should be classified as if it were undertaken in the country of work;

### ***Resilience, going digital and ensuring transparency***

15. Calls on the Commission to undertake an urgent study of the general situation of the employment and health and safety conditions of cross-border and seasonal workers, including the role of temporary work agencies, recruiting agencies, other intermediaries and subcontractors, with a view to identifying protection gaps and the possible need to revise the existing legislative framework, such as the legislative framework for health and safety at work, Directive 2014/36/EU on seasonal workers and Directive 2008/104/EC on temporary agency work, as well as pandemic-proofing; stresses that not only are the lessons learnt valid with regard to the COVID-19 crisis, they should also strengthen evidenced-based policymaking with a view to addressing the shortcomings of EU and national legislations in times of crises and normality;

16. Underlines that the Member States are responsible for ensuring that their social security systems are stable, reliable and crisis-proof and that the EU provides common rules to protect social security rights when moving within Europe; calls on the current and future Council Presidencies and the Member States to engage with Parliament to find a swift and balanced agreement on the proposed revision of Regulations (EC) No 883/2004 and (EC) No 987/2009 on social security coordination in order to deliver modernised and fit-for-purpose rules which foster fair mobility and social protections for all EU citizens, while effectively combating social fraud and the abuse of mobile workers' social rights; calls on the Member States, in this regard, to implement all components of the Electronic Exchange of Social Security Information (EESSI) system as a matter of urgency in order to ensure more effective cooperation between social security institutions and a faster, digitised processing of individual cases for the benefit of persons in cross-border situations;

17. Calls on the Commission to update its webpages in the light of COVID-19 and to promote them accordingly, offering information on workers' rights and on the relevant national legislation for cross-border and seasonal workers, as well as details on national and regional labour protection authorities, and to establish, in cooperation with the Member States, accessible awareness-raising information campaigns aimed at cross-border and seasonal workers, with the involvement of social partners and CSOs so as to further disseminate the information;



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18. Reiterates the importance of proper whistle-blower protection in the Member States, including for cross-border and seasonal workers; encourages the Member States to go beyond the minimum requirements set out in Directive 2019/1937 for all workers irrespective of their status and to examine ways to apply national whistle-blower protection legislation to cross-border or seasonal workers who signal abuses; stresses the need for transparent inclusion of available options to signal abuses and receive support in labour contracts without fear of reprisal; stresses that access to trade unions and CSOs, including in the host country, must be ensured for these workers;

19. Considers that establishing a digital and dynamic system for data exchange between the Member States could help to facilitate the fight against abuses of and issues with cross-border and seasonal workers' rights and undeclared work, and help to determine the coverage of the responsible social security system; calls on the Commission, in this context, to prepare an exhaustive impact assessment on the introduction of a digital European Social Security Number with a view to launching a proposal; underlines that any personal data must be used only for the specific purpose intended and only by the competent authorities for social security, in line with the General Data Protection Regulation <sup>(19)</sup>;

20. Calls on the Member States to transpose the revised Posting of Workers Directive in a correct, timely and ambitious manner, ensuring full equal treatment and protection of posted workers, in particular so as to respect the obligation under Article 3(7) of the directive of the employer to reimburse posted workers for allowances paid in reimbursement of expenditure actually incurred on account of the posting, such as travel, board and lodging expenses, in accordance with the national law and/or practice applicable to the employment relationship;

21. Identifies the need for the Commission, together with the Member States, to address the lack of clear provisions for the establishment of temporary work and recruitment agencies aimed at cross-border and seasonal workers in the EU; recalls existing good practices where such companies are subject to clear transparency licences by specific administrative bodies;

22. Urges the Commission to make sure that the Farm to Fork Strategy and the upcoming revision of the common agricultural policy deliver for agricultural workers in Europe, including seasonal, migrant and other mobile workers;

23. Calls on the Commission and the Member States to combat the negative image of seasonal and cross-border workers where this occurs; notes that Member States of residence have a responsibility to provide adequate access, labour and social security information for cross-border and seasonal workers; highlights the importance of support for cross-border and seasonal workers in the case of work-related accidents and assistance for repatriation and reintegration, while ensuring that their rights are respected by recruiting agencies, subcontractors and other intermediaries operating within their territory;

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24. Instructs its President to forward this resolution to the Council, the European Council and the Commission.

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<sup>(19)</sup> 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 repealing Directive 95/46/EC (General Data Protection Regulation) and on the free movement of such data (OJ L 119, 4.5.2016, p. 1).

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## RECOMMENDATIONS

# EUROPEAN PARLIAMENT

P9\_TA(2020)0152

### **Recommendations on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland**

**European Parliament recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland (2020/2023(INI))**

(2021/C 362/12)

*The European Parliament,*

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), in particular Article 218 of the TFEU,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement <sup>(1)</sup> and the directives set out in the addendum thereto for the negotiation of a new partnership with the United Kingdom of Great Britain and Northern Ireland, which have been made public,
- having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union <sup>(2)</sup>, of 3 October 2017 on the state of play of negotiations with the United Kingdom <sup>(3)</sup>, of 13 December 2017 on the state of play of negotiations with the United Kingdom <sup>(4)</sup>, of 14 March 2018 on the framework of the future EU-UK relationship <sup>(5)</sup>, of 18 September 2019 on the state of play of the UK's withdrawal from the European Union <sup>(6)</sup>, of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement <sup>(7)</sup>, and of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland <sup>(8)</sup>,
- having regard to the draft text of the Agreement on the New Partnership with the United Kingdom of 18 March 2020 <sup>(9)</sup>;
- having regard to its legislative resolution of 29 January 2020 on the draft Council decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community <sup>(10)</sup>,
- having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community <sup>(11)</sup> ('the Withdrawal Agreement') and to the accompanying political declaration setting out the framework for the future relationship between the European Union and the United Kingdom <sup>(12)</sup> ('the Political Declaration'),

<sup>(1)</sup> OJ L 58, 27.2.2020, p. 53.

<sup>(2)</sup> OJ C 298, 23.8.2018, p. 24.

<sup>(3)</sup> OJ C 346, 27.9.2018, p. 2.

<sup>(4)</sup> OJ C 369, 11.10.2018, p. 32.

<sup>(5)</sup> OJ C 162, 10.5.2019, p. 40.

<sup>(6)</sup> Texts adopted, P9\_TA(2019)0016.

<sup>(7)</sup> Texts adopted, P9\_TA(2020)0006.

<sup>(8)</sup> Texts adopted, P9\_TA(2020)0033.

<sup>(9)</sup> UKTF(2020)14.

<sup>(10)</sup> Texts adopted, P9\_TA(2020)0018.

<sup>(11)</sup> OJ L 29, 31.1.2020, p. 7.

<sup>(12)</sup> OJ C 34, 31.1.2020, p. 1.

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- having regard to the opinions from the Committee on Budgets, the Committee on Economic and Monetary Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Fisheries, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs and the Committee on Petitions,
  - having regard to the letters from the Committee on Development, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development, the Committee on Culture and Education and the Committee on Legal Affairs,
  - having regard to Rules 114(4) and 54 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on International Trade under Rule 58 of the Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the Committee on International Trade (A9-0117/2020),
- A. whereas the Political Declaration is the yardstick for the negotiations and establishes the parameters of an ambitious, broad, deep and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement at its core, law enforcement and criminal justice, foreign policy, security and defence and wider areas of cooperation; whereas the European Union (EU) mandate, adopted by the Council on 25 February 2020 on that basis, constitutes the negotiating framework that envisages a strong and comprehensive partnership between the EU and the UK, forming a coherent structure and an overall governance framework; whereas the EU will not accept the UK's piecemeal approach, which seeks to negotiate a series of separate, self-standing agreements;
- B. whereas the EU mandate is based on the European Council guidelines of 23 March 2018 and the Political Declaration;
- C. whereas the negotiations on the future partnership with the United Kingdom (UK) can only be premised on the effective and full implementation of the Withdrawal Agreement and its three protocols;
- D. whereas the EU should maintain its efforts and determination to negotiate an ambitious agreement as clearly provided for in the Political Declaration, to which both parties, including the UK Prime Minister, signed up on 17 October 2019, and the EU mandate; whereas the UK ceased to be a Member State of the EU on 31 January 2020;
- E. whereas the current time pressure in the negotiations is merely the result of the UK's choices;
- F. whereas the future agreement should be embedded in an overall governance framework and whereas the Court of Justice of the EU (CJEU) should be the sole body responsible for interpreting EU law;
- G. whereas during the transition period, EU law across all policy areas, is still applicable to, and in, the UK, with the exception of provisions of the Treaties and acts that were not binding upon, and in, the UK before the Withdrawal Agreement entered into force; whereas on the 14th of May 2020, the European Commission opened infringement proceedings against the UK for failure to comply with EU rules on free movement;
- H. whereas the withdrawal of the UK from the EU affects millions of citizens, UK citizens living, travelling or working in the EU, EU citizens living, travelling or working in the UK; and people other than EU and UK citizens;
- I. whereas, as a third country, the UK cannot have the same rights and enjoy the same benefits and cannot be subject to the same obligations as a Member State and the situation in both the EU and the UK will therefore change significantly at the end of the transition period; whereas the EU and the UK share fundamental principles and values; whereas the UK's geographical proximity, level of interconnectedness and high level of existing alignment and interdependence with EU rules should be taken into account in the future partnership agreement; and whereas, as the EU has made clear from the start, the more privileges and rights the UK seeks, the more obligations will come attached;

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- J. whereas the EU and the UK agreed in the Political Declaration to convene at a high level in June 2020 to take stock of progress with the aim of agreeing action to move forward with negotiations on their future relationship; whereas, at the end of the High Level Meeting of 15 June 2020, both Parties issued a joint statement noting, inter alia, that new momentum was required;
- K. whereas unity of the EU and its Member States throughout the negotiations is essential in order to defend the interests of the EU, including those of its citizens in the best possible way; whereas the EU and its Member States have remained united throughout the negotiation and adoption of the Withdrawal Agreement and ever since; whereas this unity is reflected in the adoption of the negotiating mandate entrusted to the EU negotiator and Head of the EU Task Force Michel Barnier, who enjoys the strong support of the EU and its Member States;
- L. whereas the EU and UK agreed in the Political Declaration that the future relationship should be underpinned by shared values such as the respect for and safeguarding of human rights and fundamental freedoms, democratic principles, the rule of law, an international rules-based order including the UN Charter and support for non-proliferation, principles of disarmament, peace and security as well as sustainable development and protection of the environment and that those values are an essential prerequisite for cooperation within the framework of the Political Declaration, which should be expressed in terms of binding political clauses as well as being matters of mutual trust; whereas while the EU will remain bound by the Charter of Fundamental Rights of the European Union, the agreement on the future relationship must be conditional on the UK's continued commitment to respect the framework of the European Convention on Human Rights (ECHR);
- M. whereas the COVID-19 pandemic has created a totally unexpected and unprecedented new situation, which has significant consequences on the rhythm and efficiency of the negotiations between the EU and the UK; whereas, if an agreement cannot be reached, both sides would have to be prepared for very dramatic changes to their economies, which will be aggravated by the COVID-19 pandemic and its expected economic consequences; whereas facing a global pandemic and its foreseeable geopolitical, economic and social consequences reinforces the necessity to improve cooperation mechanisms between partners and allies;

**General principles**

1. Regrets that, following four rounds of negotiations, no real progress has been achieved, with the exception of very small openings in a limited number of areas; notes the substantial divergences between the EU and the UK, including on the scope and the legal architecture of the text to be negotiated; expresses deep concern at the limited scope of the future partnership envisaged by the UK Government and its piecemeal approach to negotiations only on areas that are in the interest of the UK: reiterates that such a 'cherry-picking' approach is unacceptable for the EU; points out that the UK's proposals fall short of its commitments under the Withdrawal Agreement and the Political Declaration, to which the UK agreed, including its refusal to negotiate an agreement on security and defence matters;
2. Reiterates that the EU stands firm in its position that tangible progress must be achieved in all areas of negotiations in parallel, including on the level playing field, fisheries, internal security and governance, as outlined in the Political Declaration; emphasises that all negotiations are indivisible and the EU will not agree to a deal at any cost, in particular not to a free trade agreement (FTA) without having robust level playing field guarantees and a satisfactory agreement on fisheries; thus fully supports the Commission in defending the need for a comprehensive draft treaty as proposed by the EU at the outset, instead of agreeing to separate agreements as proposed by the UK;
3. Insists that any agreement on a new relationship between the EU and the UK must be coherent and adapted to the geographical proximity of both parties and to the high level of interconnectedness of both parties' economies;
4. Welcomes the publication, even if belatedly, of the UK's draft legal proposals; notes that, contrary to the UK's claims of using existing precedents, many of those proposals go significantly beyond what has been negotiated by the EU in other FTAs with third countries in recent years; recalls that any final agreement must be based on a balance of rights and obligations;

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5. Welcomes the fact that there is a high level of convergence between the negotiating objectives expressed in Parliament's resolution of 12 February 2020 and in Council Decision (EU, Euratom) 2020/266 of 25 February 2020 authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement<sup>(13)</sup> ('the negotiating directives'); emphasises that the Commission has Parliament's full support in negotiating with the UK in accordance with the negotiating directives, as all three institutions broadly share the same objectives in terms of what those negotiations should achieve;

6. Welcomes the EU's draft text of the Agreement on the New Partnership with the United Kingdom, published on 18 March 2020, which proposes a comprehensive agreement for a deep and close partnership, covering not only free trade in goods and services but also ways to prevent distortions and unfair competitive advantages, including those related to the agricultural sector, sanitary and phytosanitary (SPS) measures and state aid, and to establish a favourable climate for the development of trade and investment;

7. Calls on the Commission to continue conducting negotiations transparently as this benefits the negotiation process and is also beneficial for citizens and businesses as it allows them to better prepare for the post-transition phase; urges the Commission to ensure, in that respect, public consultation and constant dialogue with social partners and civil society, as well as with national parliaments; welcomes the Commission's practice of providing regular and timely information to the Parliament on the negotiations, and expects that practice to continue, in line with the information that is shared with the Member States;

8. recalls that any future association agreement concluded between the EU and the UK pursuant to Article 217 of the TFEU ('the Agreement') must be in strict concordance with the following principles:

- (i) a third country must not have the same rights and benefits and does not comply with the same obligations as a Member State of the EU, or a member of the European Free Trade Association (EFTA) or European Economic Area (EEA);
- (ii) protection of the full integrity and proper functioning of the internal market and customs union, the indivisibility of the four freedoms; in particular, the degree of cooperation in the economic pillar must be in accordance with commitments made to facilitate the mobility of people, such as visa-free travel, the mobility of researchers, students, temporary service providers and business travellers, and cooperation in the field of social security;
- (iii) the preservation of the autonomy of the EU's decision-making;
- (iv) the safeguarding of the EU legal order and the role of the CJEU as the ultimate body responsible for interpreting EU law in that respect;
- (v) continued adherence to democratic principles, human rights and fundamental freedoms, as defined in particular in the Universal Declaration of Human Rights, the ECHR and its protocols, the European Social Charter, the Rome Statute of the International Criminal Court and other international human rights treaties of the UN and the Council of Europe, and respect for the principle of the rule of law recalls in particular that the future relationship should be made conditional on the UK's continued commitment to respect the framework of the ECHR;
- (vi) a level playing field, including for business, ensuring high equivalent standards in social, labour, environmental and consumer protection, the fight against climate change as well as taxation, competition and State aid policies, including through a robust and comprehensive framework on competition and State aid control. That level playing field must be guaranteed through effective dispute settlement and enforcement mechanisms including on the trade and sustainable development chapter; recalls in particular that any future agreement should be made fully conditional on respect for the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (the 'Paris Agreement');
- (vii) the precautionary principle, the principle that environmental damage should as a priority be rectified at source, and the polluter pays principle;

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<sup>(13)</sup> OJ L 58, 27.2.2020, p. 53.

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- (viii) the safeguarding of EU agreements with third countries and international organisations, including the EEA Agreement, and maintaining the overall balance of those relationships;
- (ix) the safeguarding of the financial stability of the EU and compliance with its regulatory and supervisory regime and standards and their application;
- (x) the right balance between rights and obligations, including, where appropriate, commensurate financial contributions;
- (xi) the guarantee of an outcome that is proper and fair for all Member States and in the best interests of our citizens;

9. Underlines that the EU Chief Negotiator has the Parliament's full and unwavering support for insisting that level playing field guarantees are a crucial element of any agreement with the UK, as this is not dogmatism or ideology from the EU's side but a prerequisite to establishing an ambitious and balanced partnership with the UK and preserving the competitiveness of the internal market and EU companies, as well as maintaining and developing in the future high levels of social, environmental and consumer protection;

10. Respects fully in this regard the sovereignty of the UK, which the EU has no intention of undermining in the current negotiations; recalls, however, that the UK will never be equal to other third countries due to its status as a former EU Member State, current complete regulatory alignment, and the significant volume of trade between both parties, as well as its geographic proximity to the EU, which all explain the necessity for strong and robust level playing field provisions in the agreement;

11. Underlines that the EU should keep up its efforts and engagement to negotiate an agreement, as it has always indicated in the Political Declaration and in the negotiating directives, on the following parts: trade and economic cooperation, law enforcement and judicial cooperation in criminal matters, foreign policy, security and defence, and thematic areas of cooperation such as cooperation on sustainable development; calls for a pragmatic and reasonable approach on both sides;

12. Emphasises the importance of being fully prepared for the UK's withdrawal from the internal market and the customs union at the end of the transition period, regardless of the outcome of the negotiations; stresses that the consequences will be even more significant should no agreement be reached; points out, however, that the EU is ready for either scenario;

13. Welcomes, in that regard, the Commission's sector-specific 'readiness notices', which seek to ensure that EU industry is ready for the inevitable shock that the UK's withdrawal from the internal market will cause; calls on the Commission and Member States to enhance their efforts in order to fully inform EU citizens and businesses of the risks that the transition period might end before an agreement is reached, in order to allow for adequate preparedness;

14. Underlines the importance of stepping up and properly financing preparedness and contingency measures well ahead of the end of the transition period, especially in the event of a stalemate in negotiations; stresses that such contingency measures should be temporary and unilateral;

15. Reiterates its support for the negotiating directives, which provide that Gibraltar will not be included in the territorial scope of the agreements to be concluded between the EU and the UK, and that any separate agreement will require the prior agreement of the Kingdom of Spain;

16. Emphasises the importance of implementing the provisions of the Protocol on Gibraltar regarding frontier workers, taxation, the environment and fisheries; calls on the Spanish and the UK Government to ensure that the necessary cooperation is put in place to deal with those issues;

17. Recalls that Article 132 of the Withdrawal Agreement provides the possibility for the Joint Committee to adopt by 30 June 2020 a decision extending the transition period beyond 31 December 2020; acknowledges the UK's decision, following the Joint Committee meeting of 12 June 2020, not to consider an extension of the transition period; underlines that the EU remains open to such an extension;



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**Implementation of the Withdrawal Agreement**

18. Recalls that the legally binding Withdrawal Agreement is the instrument for implementing the arrangements for an orderly withdrawal of the UK from the EU that it is not subject to any renegotiation and that the sole purpose of the EU-UK Joint Committee is to oversee its implementation; underlines that the effective implementation of the Withdrawal Agreement is a precondition of, and basic element for ensuring, the trust needed for the successful conclusion of an agreement with the UK and is a litmus test for the good faith that the UK has committed to bring to the negotiating process;

19. Insists on seeing tangible progress as early as possible and having solid guarantees that the UK will implement the Withdrawal Agreement effectively and in its entirety before the end of the transition period, stresses that monitoring its implementation is an integral part of the work of the Parliament and reiterates that, in accordance with Article 218(10) TFEU, Parliament is to be immediately and fully informed of all the discussions held and decisions taken by the Joint Committee, and will remain vigilant and fully exercise its prerogatives; recalls, in that context, the commitment made by the President of the European Commission to Parliament's plenary on 16 April 2019 as well as the obligations stemming from Council Decision (EU) 2020/135 of 30 January 2020; calls on the co-chairs of the Joint Committee to actively involve citizens and civil society organisations in their deliberations;

20. Recalls that the Withdrawal Agreement provides for reciprocal protection for EU and UK citizens, including their family members, who should be provided with all the necessary information with regard to their rights and to the procedures to be followed to continue living, working and traveling within or to their country of residence; recalls that citizens affected by the UK's withdrawal rely on timely and reliable information regarding their rights and status and urges both the Member States and the UK to prioritise that matter; urges the Member States to fully respect and protect the rights of UK citizens living in the EU under the Withdrawal Agreement and to give them all the information they need and legal certainty about their situation and rights, including whether they are implementing a constitutive or a declaratory residence scheme;

21. Reiterates that citizens' rights will remain an absolute priority and is determined to ensure that citizens' rights are guaranteed under the Withdrawal Agreement for both EU and UK citizens and their families; urges the EU and the UK to strive towards a high level of mobility rights in the future agreement; regrets the fact that the UK has so far shown little ambition with regard to citizens' mobility, which the UK and its citizens have benefitted from in the past;

22. Expresses concern at reports that EU citizens under pre-settled status were denied social benefits in the UK due to bureaucratic obstacles; underlines that such situations constitute undue discrimination and have significant consequences, especially at a time of severe economic and social uncertainty;

23. Stresses that EU citizens in the UK are experiencing significant problems in obtaining settled status, including as a result of the COVID-19 pandemic; considers the number of cases granted pre-settled status to be disproportionately high in comparison with the number of cases granted settled status; urges the UK Home Office to be flexible in accepting evidence provided by applicants that they have been in the country for the five years required; is also concerned that applicants are not issued with any physical proof of the status they have been granted;

24. Calls on the parties to ensure the strict implementation of the Protocol on Ireland/Northern Ireland, as this is a precondition for the successful conclusion of the future agreement; recalls that that Protocol was designed and adopted in order to respect the peace process and uphold the Good Friday Agreement, ensuring the absence of a hard border on the island of Ireland while protecting the integrity of the internal market, and is crucial for businesses, in particular the agri-food sector, protection of citizens, the environment and biodiversity; underlines the importance of free movement of EU citizens and free movement of services on the island of Ireland in order to limit damage to the all-island economy and that a future agreement should cover this issue; urges the UK authorities to ensure that there is no diminution of rights for citizens in Northern Ireland;

25. Expresses concern at the UK Government's public statements showing a lack of political will to comply fully with its legal commitments under the Withdrawal Agreement, namely regarding checks on goods in the Irish Sea;

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26. Recalls that important decisions are due to be taken by the EU-UK Joint Committee on the implementation of the Protocol on Ireland/Northern Ireland before the end of the transition period;

27. Hopes that an agreement can be found between the EU and the UK on all institutional arrangements, such as the creation of a technical office of the European Commission in Belfast despite the repeated refusal expressed by the UK authorities to authorise the opening of such an office; stresses that the UK needs to present a detailed timetable and proceed with the necessary measures, such as preparing for implementing the Union customs code and the introduction of customs procedures for goods entering Northern Ireland from Great Britain, and ensuring that all necessary SPS controls as well as other regulatory checks can be carried out in respect of goods entering Northern Ireland from outside the EU, which is also necessary to create clarity for businesses;

28. Underlines the importance of clear legal rules, transparent implementation and effective control mechanisms to avoid systemic risks for VAT and customs fraud, trafficking (smuggling) or other fraudulent misuse of a potentially unclear legal framework, including from the increased risk of wrongful declarations of origin and products not intended for the internal market; calls on the Commission to carry out regular and efficient checks and controls and regularly report back to Parliament regarding the border control situation;

29. Notes that the term goods 'at risk of subsequently being moved into the Union' used in Article 5 of that Protocol on Ireland/Northern Ireland depends on subsequent decisions of the Joint Committee and insists that such decisions are taken under European Parliament scrutiny; requests to be kept fully informed on the application of that Article and any proposals for decisions of the Joint Committee with regard to the application of that Article, such as the establishment of the specific criteria for a good to be considered 'at risk', or on the amendment of any of its previous decisions;

30. Recalls that the end of the transition period, the UK is obliged to contribute, inter alia, to the financing of the European Defence Agency, the European Union Institute for Security Studies, and the European Union Satellite Centre, and to the costs of Common Security and Defence Policy (CSDP) operations, in which it participates;

31. Underlines the fact that the UK must implement all pre-existing EU restrictive measures and sanctions and any decided during the transition period, must support EU statements and positions in third countries and international organisations, and participate on a case-by-case basis in EU military operations and civilian missions established under the CSDP, yet without any leading capacity within a new Framework Participation Agreement, while respecting the EU's decision-making autonomy and the relevant EU decisions and legislation, including on procurement and transfers in the field of defence; asserts that such cooperation is conditional on full compliance with international human rights law and international humanitarian law and EU fundamental rights;

### ***Economic partnership***

#### *Trade*

32. Takes note that the UK has chosen to establish its future economic and trade partnership with the EU on the basis of a 'Comprehensive Free Trade Agreement' as laid down in the document published by the UK Government on 27 February 2020 entitled 'The Future Relationship with the EU — the UK's Approach to Negotiations; emphasises that, while Parliament is supportive of the EU constructively negotiating a balanced, ambitious and comprehensive FTA with the UK, by its nature an FTA will never be equivalent to 'frictionless' trade; shares the position set out in the negotiating directives, jointly adopted by the 27 Member States, that the scope and ambition of an FTA that the EU would agree to is conditional on and must have a direct link with the UK agreeing to comprehensive, binding and enforceable provisions related to the level playing field, given the size, the geographical proximity, the economic interdependence and connectedness, the integration of markets, as well as on the conclusion of a bilateral agreement on fisheries, as an integral part of the partnership; reaffirms that no trade agreement can be concluded between the EU and the UK if it does not include a complete, sustainable, balanced and long-term fisheries agreement, upholding the continuation under optimal conditions of existing access to waters, resources and markets in accordance with common fisheries policy (CFP) principles and adopted before the end of the transition period;

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33. Notes that, contrary to the UK's claim of relying on existing precedents, many proposals in the UK draft legal proposals go significantly beyond what has been negotiated by the EU in other FTAs with third countries in recent years, for example in the area of financial services, mutual recognition of professional qualifications and conformity assessment, equivalence of the SPS regime, or the cumulation of rules of origin; supports the system of a bilateral cumulation system, the most appropriate, since it involves supporting integration between the EU and the UK, and not with the third countries with which the EU has concluded FTAs, and an ad hoc mechanism against 'swap' risks <sup>(14)</sup> should be provided for;

34. Deeply regrets, in that regard, that the UK has so far refused to engage, notwithstanding its commitment taken in the Political Declaration, for instance on public procurement, maritime transport and the protection of future geographical indications (GIs), especially as the UK did include some of those topics in its negotiation mandates with the US and Japan; furthermore regrets that the UK has so far not submitted a proposal on small and medium-sized enterprises (SMEs);

35. Recalls that the continued shared commitment to a zero quotas, zero tariffs objective for the trade relationship remains an essential condition for the timely conclusion of an agreement within the extremely tight timeline that the UK itself has imposed on these negotiations, especially as previous experience has clearly demonstrated that a tariff-line by tariff-line negotiation could take several years; expresses concern at the intention of the UK Government to move away from that objective; highlights that agricultural goods would probably be most affected, given remaining non-zero tariff lines in FTAs usually affect this sector; reiterates in that regard that, irrespective of whether 100 % or less tariff-lines are scrapped, this will not alter the EU's demand for robust level playing field conditions; reiterates that the level playing field provisions must maintain environmental, social and employment standards at high equivalent levels over time, relying on appropriate and relevant EU and international standards, and including appropriate mechanisms to ensure effective implementation domestically, as well as include a robust and comprehensive framework for competition and state aid control that prevents undue distortion of trade and competition instead of referring to subsidies only, as the UK regrettably does;

36. Encourages in this regard the Commission to seize the momentum caused by these negotiations to enhance competitiveness for European companies and SMEs; stresses that the Agreement should aim to allow for market access and trade facilitation as close as possible in order to minimize trade disruptions; encourages the Parties to set up SME contact points and calls overall for a stable, transparent and predictable legal framework not imposing a disproportionate burden on SMEs;

37. Stresses that for an FTA to truly promote the EU's interests, the negotiations should aim to achieve the following objectives as laid down in Parliament's resolution of 12 February 2020, in particular paragraph 14 thereof, the provisions of which continue to be fully valid; in addition emphasises that the following should be covered:

- (i) mutually beneficial market access for goods, services, public procurement, recognition of professional qualifications as well as on product rules; underlines moreover the need for stable, reliable and sustainable value chains;
- (ii) the Commission should evaluate the need for safeguard clauses to protect the integrity and stability of the EU internal market such as from unexpected import surges, fraud and circumvention of trade defence measures;
- (iii) commitments on anti-dumping and countervailing measures should go beyond World Trade Organisation (WTO) rules in that area, as appropriate, and commitments and enforcement possibilities on competition and state aid;

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<sup>(14)</sup> It is necessary to include, in the future agreement, an ad hoc mechanism against 'swap' risks in order to protect the internal market from a situation where UK would choose to import goods at low cost from third countries (in order to satisfy its domestic consumption) and export duty free to the more lucrative EU market its domestic production. That phenomenon, benefitting both the UK and third countries, which the rules of origin cannot prevent, would destabilise EU agricultural sectors and therefore requires specific operational mechanisms.

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- (iv) rules on development and facilitation of digital trade should address unjustified barriers to trade by electronic means, including data localisation requirements, should preserve EU's regulatory autonomy, and ensure an open, secure and trustworthy online environment for businesses and consumers, provided that the UK online retailers comply with the relevant internal market rules and provided that the UK provides a level of protection essentially equivalent to that offered by EU legal framework, including on onward transfers to third countries;
- (v) any SPS measures should be based on risk assessments, with full respect for the precautionary principle;
- (vi) GI protection enshrined in the Withdrawal Agreement are not negotiable; the future agreement should also protect and uphold GIs registered after the end of the transition period;
- (vii) include robust prudential carve-outs in order to legally guarantee both parties' rights to regulate in the public interest;
- (viii) recalls that the consequences of the UK's withdrawal from the EU on gender equality should be taken into account, including by ensuring a level playing field for EU actions protecting and advancing the role of women in economy, for instance in terms of measures combatting the gender pay gap;
- (ix) partnership achieving long-term climate goals;
- (x) calls on the Commission and the Member States to take all necessary preparations and precautions for the case of an expiration of the Withdrawal Agreement without an agreement on the future relations, and in particular the trade and economic relations, entering into force on the 1st of January 2021, including contingency measures to reduce as much as possible the harm for workers and enterprises effected;
- (xi) calls on the Commission to propose measures to reduce the impact on third country trading partners of the Union, in particular developing countries, in case no agreement can be found with Britain, as British imports may have constituted a sizeable share of their exports to the European Union;

*Level playing field*

38. Regrets the UK's negotiating position with the EU of hitherto not engaging in detailed negotiations on the level playing field; points out that this position does not reflect paragraph 77 of the Political Declaration signed by the EU and the UK; urges the UK Government, therefore, to urgently revise its negotiating position and engage constructively in the negotiations on the level playing field since is a necessary condition for Parliament to give its consent to a trade agreement with the UK;

39. Reiterates that given the UK's geographic proximity and economic interdependence with the EU, the breadth and depth of the agreement on a level playing field will be essential in determining the extent of the overall future EU-UK relationship; considers, therefore, that a level playing field that is appropriate to the level of ambition and liberalisation of the Agreement for regulatory convergence in line with the Political Declaration must be provided for and EU standards safeguarded as a condition in order to avoid a 'race to the bottom' as well as measures having an unjustified and disproportionate damaging effect on trade flows, with a view to dynamic alignment; including for state aid; stresses the need to ensure that the UK does not gain an unfair competitive advantage through the undercutting of levels of protection and to prevent regulatory arbitrage by market operators;

40. Recalls its determination to prevent any kind of 'dumping' in the framework of the future EU-UK relationship; points out that a key outcome of the negotiations is to guarantee a level playing field in order to preserve competitiveness, high social and sustainability standards, including the fight against climate change and citizens' and workers' rights in the future through robust commitments, enforceable provisions and non-regression clauses with a view to dynamic alignment on:

- (i) competition and state aid, and any other general or sectoral regulatory measures which should prevent undue distortion of trade and competition and include provisions on state-owned enterprises, including provisions on measures to support agricultural production;

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- (ii) relevant tax matters, including the fight against tax evasion and avoidance and money laundering, terrorism financing as well as financial services;
- (iii) full respect for the social and labour standards of the EU's social model (including equivalent levels of protection and safeguards against social dumping), at least at the current high levels provided by the existing common standards;
- (iv) environmental protection and climate change related standards, a commitment to effectively continue implementing the Paris Agreement, the promotion of the UN's Sustainable Development Goals (SDGs);
- (v) a high-level of protection for consumers, including product sanitary quality in food sector;
- (vi) sustainable development;

41. Points out that those provisions should ensure that standards are not lowered, while empowering the EU and the UK to modify commitments over time in order to lay down higher standards or include additional areas in full compliance with the proportionality and necessity principles; stresses, moreover, that commitments and provisions should be enforceable by autonomous interim measures, a solid dispute settlement mechanism covering all areas and remedies, including judicial oversight to provide the EU with the ability to adopt sanctions as a last resort, including in relation to sustainable development with a view to dynamic alignment; underlines that a level playing field requires a horizontal mechanism, such as an overall governance framework covering all areas of cooperation;

42. Emphasises in particular the non-regression clauses in the following areas: (i) fundamental rights at work; (ii) occupational health and safety standards; (iii) fair working conditions and employment standards; (iv) information and consultation rights at company level; and (v) restructuring;

43. Considers the fight against climate change, halting and reversing biodiversity loss, promoting sustainable development, the environment, and major health issues should constitute essential elements of the envisaged partnership; notes that the Commission committed itself in its communication on the European Green Deal to making respect for the Paris Agreement an essential element of all future comprehensive trade agreements;

44. Stresses that a 'ratchet clause' for future levels of protection is not sufficient, as it does not provide for a level playing field or incentives to raise ambition levels, and considers that should either EU or the UK increase its level of climate or environmental protection, the other party should ensure that its standards and targets offer at least an equivalent level of climate or environmental protection;

45. Strongly believes that the UK should adhere to the evolving standards on taxation and anti-money laundering legislation and terrorism financing within the EU acquis, as well as worldwide, including tax transparency, the exchange of information on tax matters and anti-tax avoidance measures, in order to ensure a fruitful and trust-based mutual cooperation and should address the respective situations of its Overseas Territories, its Sovereign Base Areas and its Crown Dependencies and their compliance with EU good governance criteria and transparency requirements, particularly on the exchange of tax information, tax transparency, fair taxation, anti-tax avoidance measures and on OECD standards against Base Erosion and Profit Shifting; calls, furthermore, on the EU and the UK to uphold Financial Action Task Force standards; recalls, with regard to Gibraltar, the negotiating directives and the provisions set out in the draft legal text of the EU;

46. Reiterates the need to maintain high standards, clear traceability, high-quality inspection services and a level playing field in the areas of medicinal products, medical devices, food safety and labelling, animal and plant health, animal welfare and veterinary, SPS, and environmental policy and standards;

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47. Calls on the Commission to guarantee that existing and future principles and tools in the framework of the social, environmental and climate policies of the EU (e.g. anti-dumping measures, European industrial policy, mandatory due-diligence legislation, EU taxonomy for sustainable investment, do-no-significant-harm principle, carbon border adjustment mechanism, sustainability-related disclosures in the financial services sector) cannot be legally disputed in the framework of the EU-UK FTA and in future trade agreements;

### ***Specific sectoral issues and thematic cooperation***

#### ***Internal market***

48. Stresses that access to the EU internal market requires, as a precondition, full compliance with EU legislation relating to the internal market;

49. Underlines that dynamic regulatory alignment and provisions ensuring robust market surveillance that help enforce the rules on products, including those on product safety and traceability, and ensure legal certainty for EU businesses coupled with a high level of protection for EU consumers, should be an essential and irreplaceable part of any future agreement aimed at ensuring a level playing field;

50. Recalls that, in any event, a new agreement will lead to customs checks and verification before goods enter the internal market and insists that safeguarding the compliance of goods with internal market rules is of the utmost importance;

51. Underlines the importance of maintaining close and structured cooperation on regulatory and supervisory matters, at both political and technical levels, while respecting the EU's regulatory regime and decision-making autonomy;

52. Highlights the importance of ensuring reciprocal arrangements for the recognition of qualifications and diplomas and encourages both parties and in particular professional bodies and authorities to develop and provide further joint recommendations on the recognition of professional qualifications, in particular in the context of the Partnership Council;

#### ***Financial services***

53. Is of the opinion that the future agreement should include specific provisions on cooperation between the European supervisory authorities and the UK financial supervisory authorities in order to foster regulatory alignment, share supervisory concerns and best practices, as well as to ensure a smooth level of cooperation and to maintain integrated capital markets;

54. Recalls that passporting rights, which are based on mutual recognition and harmonised prudential rules and supervisory convergence in the internal market, will cease to apply between the EU and the UK at the end of the transitional period, as the UK will become a third country; underlines that, thereafter, access to the EU financial market must be based on the EU's autonomous equivalence framework; recalls, however, the limited scope of equivalence decisions;

55. Highlights that an assessment of the equivalence of UK's financial regulations will be made by the Commission and that such equivalence can only be granted with full respect for the autonomy of its decision making, and if the UK regulatory and supervisory regime and standards are fully equivalent to those of the EU; calls for that assessment to be made as soon as possible to meet the commitment of the Political Declaration; recalls that the EU can withdraw unilaterally the status of equivalent at any time;

56. Recalls that a substantial amount of euro-denominated derivatives are cleared in the UK, which could potentially have financial stability implications for the EU;

#### ***Customs***

57. Notes the intention of the UK not to seek the continuation of its current status as regards the internal market and the customs union; underlines the importance of preserving the integrity of the customs union and its procedures, which guarantee the safety and protection of consumers and the economic interests of the EU and of EU undertakings; stresses the need for greater investment in customs controls facilities at common transit points at common borders and, where relevant and appropriate, further coordination and exchange of information with each other as well as include the possibility of a permanent EU office in Northern Ireland dealing with customs compliance;



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58. Highlights that any future agreement should establish comprehensive customs cooperation mechanisms to facilitate cross-border trade as well as cooperation mechanisms between customs and market surveillance authorities; furthermore, calls on the EU and the UK, where relevant and appropriate, to work towards simplification of requirements and formalities for customs procedures for traders or operators, including for SMEs;

59. Underlines that the EU and the UK should strive to maintain a high level of convergence of their customs legislation and practices with a view to ensuring effective customs controls and clearing, enforcement of customs legislation and protecting the financial interests of the parties with a capacity to recover undue taxes and duties, in addition to safeguard measures for systematic breaches of applicable customs legislation;

60. Highlights that it would be highly desirable for the UK to maintain the current product classification based on the Integrated Tariff of the European Communities (TARIC) in order to keep procedures simplified and to reduce the regulatory burden;

### **Consumer policy**

61. Stresses that current EU consumer protection standards and citizens' rights under the EU *acquis* must be preserved by both parties to any future agreement; believes that the Agreement should ensure added value to EU consumers by providing the best framework for the protection of the rights of consumers and for the enforcement of the obligations of traders;

62. Considers it of utmost importance to guarantee the safety of the products imported from the UK in a way that they would correspond to the EU standards;

63. Stresses the importance of regulatory and administrative cooperation accompanied, where relevant and appropriate, by a parliamentary oversight and non-regression commitments, in order to tackle non-tariff barriers and to pursue objectives of public interest, so as to protect the interests of EU consumers including to ensure a secure and trustworthy environment for consumers and businesses online, as well as to combat unfair commercial practices;

### **Fisheries**

64. Reiterates that no comprehensive agreement can be concluded between the EU and the UK if it does not include a complete, balanced and long-term agreement on fisheries and fisheries-related matters, upholding the continuation under optimal conditions of access to waters, resources and markets of the parties concerned, as well as existing fishing activities;

65. Recalls that the greatest mutual benefit will be obtained by protecting shared ecosystems and sustainably managing their exploitation, by upholding existing reciprocal access to waters and fisheries resources with the aim of upholding existing fishing activities, as well as by defining common, coherent, clear and stable principles and rules enabling mutual open access of fishing and aquaculture products to markets without causing economic or social tensions through unbalanced competition; insists on the need for an overarching governance framework to ensure that any breaches of provisions concerning reciprocal access to waters and resources can be subject to sanctions, including the suspension of preferential tariffs for UK goods in the EU market;

66. Stresses the need to include in the Agreement the distribution percentages that are currently applied for the stocks to be shared between both parties in Annex FISH-2 (Allocation of fishing opportunities), in accordance with the principle of relative stability in force;

67. Calls on the parties to uphold existing quota shares and the stable and constant distribution of fishing rights; stresses the importance of long-term management of resources based on compliance with CFP principles, such as maximum sustainable yield (MSY) and technical measures, its regional management tools such as the Multiannual Plans for the North Sea and the Western Waters, and the Marine Strategy Framework Directive, which have so far all contributed to the improvement of the state of fish stocks to the benefit of the fleets of both EU Member States and the UK;

68. Stresses that the Agreement must ensure that technical measures or marine protected areas are reciprocal, non-discriminatory and proportionate and do not constitute a *de facto* way of excluding EU vessels from UK waters; insists that the Agreement cannot lead to a 'levelling down' of EU environmental and social standards;

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69. Urges the Commission to include provisions on preventing and combating illegal, unreported and unregulated (IUU) fishing activities within EU and UK waters;

70. Stresses the need for adequate cooperation and consultation mechanisms, a common scientific approach, and guarantees that the UK will continue to contribute to data collection and the scientific assessment of stocks as a basis for future decisions for joint fisheries management in all shared sea basins; urges the EU and the UK to continue their active and loyal cooperation in matters of fishing control and the fight against IUU fishing;

### ***Citizens' rights and the free movement of persons***

71. Notes with regret that the UK has decided that the principle of free movement of persons between the EU and the UK will no longer apply after the transition period; insists on the need for the future partnership to include ambitious provisions on the movement of persons, based on full reciprocity and non-discrimination among Member States; reiterates the fact that the UK's access to the internal market must be commensurate with commitments made to facilitate the mobility of people; stresses that the border-crossing regime should not create a burdensome administrative or financial barrier;

72. Stresses the need to pay particular attention to the needs of children from mixed families where only one of the parents is an EU citizen, and to provide appropriate legal mechanisms for resolving disputes between parents, for instance in the case of divorce;

73. Considers that mobility agreements, including visa-free travel for short stays, should be based on non-discrimination between Member States of the EU and full reciprocity and should include the EU *acquis* on mobility, the rules on the posting of workers and on the coordination of social security systems;

74. Considers that further codification of citizens' rights through legally binding provisions must constitute an intrinsic part of the text of a future agreement between the EU and the UK; considers that this must include the situation of cross-border workers, whose freedom of movement should be guaranteed, based on non-discrimination and reciprocity; calls for consideration to be given to better regulation of the conditions of entry and residence for purposes of research, study, training, voluntary service, pupil exchange schemes or educational projects, au pairing and voluntary service in the European Solidarity Corps should be part of the future agreement and not be left to domestic regulation; recalls that the COVID-19 crisis has shown the dependence that vital sectors in the UK, such as public health or agriculture, have on EU workers, including the seasonal workforce;

### ***Labour, mobility and social security coordination***

75. Regrets the fact that the UK Government has not yet fulfilled its commitment to enact a new Employment Bill and urges the UK to do so before the end of the transition period; refers in this regard especially to recently adopted EU legislative acts whose transposition deadlines are during the transition period; stresses the utmost importance of avoiding any gaps where workers' rights are protected neither by existing EU law nor the UK Employment Bill;

76. Recalls the importance of preserving the existing and future social security rights of affected persons in all dimensions; calls on the negotiators of the Agreement to prioritise those citizens' rights with regard to social security coordination by all means and to provide for continuous application of social security coordination rules in all chapters;

77. Regrets, however, that there are no special provisions provided for regarding unemployment benefits for cross-border and frontier workers, and therefore encourages the EU and the UK to look into proper provisions regarding unemployment benefits for cross-border and frontier workers;

78. Stresses the importance of a dynamic agreement on social security coordination; stresses that provisions of the final agreement on mobility of persons must include commensurate and robust rights as regards social security coordination, in line with the Political Declaration;

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**Data protection**

79. Stresses the importance of data protection both as a fundamental right, as well as a key enabler for the digital economy; notes that, according to the case-law of the CJEU, in order for the Commission to declare the adequacy of the UK data protection framework, it must demonstrate that the UK provides a level of protection 'essentially equivalent' to that offered by EU legal framework, including on onward transfers to third countries;

80. Recalls that the UK Data Protection Act provides for a general and broad exemption from the data protection principles and data subjects' rights for the processing of personal data for immigration purposes; is concerned that, when non-UK citizens' data are processed under this exemption, they are not protected in the same way as that of UK citizens and would be in conflict with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>(15)</sup>; is of the view that the UK legal framework on the retention of electronic telecommunications data does not fulfil the conditions of the relevant EU *acquis* as interpreted by the CJEU, and does not, therefore, currently meet the conditions for adequacy;

81. Underlines and supports the future partnership being underpinned by commitments to respect fundamental rights, including adequate protection of personal data which is a necessary condition for the envisaged cooperation and by automatic suspension of the law enforcement agreement if the UK were to abrogate domestic law giving effect to the ECHR; calls on the Commission to pay particular attention to the UK legal framework when assessing its adequacy under EU law; advocates taking into consideration CJEU case-law in this field, such as the *Schrems* case, as well as ECHR case-law;

82. Takes the position that, if the UK does not explicitly commit to enforce the ECHR and will not accept the role of the CJEU, no agreement on judicial and police cooperation in criminal matters would be possible; regrets that the UK has so far refused to provide firm guarantees on fundamental rights and individual freedoms and insisted on lowering current standards and deviating from agreed mechanisms of data protection, including by the use of mass surveillance;

83. Calls on the Commission to take the above-mentioned elements into consideration when assessing the adequacy of the UK legal framework as regards the level of protection of personal data, and to ensure that the UK has resolved the problems identified in this resolution prior to possibly declaring UK data protection law adequate in line with EU law as interpreted by the CJEU; calls on the Commission also to seek the advice of the European Data Protection Board and the European Data Protection Supervisor;

**Security, law enforcement and judicial cooperation in criminal matters**

84. Reiterates that tangible progress in the area of security, law enforcement and judicial cooperation in criminal matters should be achieved in order to allow for an agreement for comprehensive and efficient cooperation to be reached that would be mutually beneficial for the security of EU and UK citizens;

85. Is strongly opposed to the UK's request to receive direct access to the EU data information systems in the field of Justice and Home Affairs; stresses once more in that regard that the UK, as a non-Schengen third country, cannot have direct access to EU information systems data; cautions that any sharing of information, including personal data, with the UK should be subject to strict safeguards, audit and oversight conditions including an equivalent level of protection of personal data to that provided by EU law;

86. Points out that the Schengen Information System (SIS) legislation explicitly forbids the access of third countries to the system and that, as a third country, the UK cannot have access to SIS; recalls that on 5 March 2020 the Council issued a set of recommendations addressing serious violations in the application of the SIS by the UK and that there is little intention in the UK's reply to apply those recommendations, in breach of EU law; considers that future cooperation

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<sup>(15)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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between the EU and the UK in the area of law enforcement and judicial cooperation should be based on mutual trust; underlines that such cooperation can only be agreed to if robust rules on data protection are established and if strong enforcement mechanisms are in place;

87. Points out that the automated exchange of DNA data with the UK under the Prüm Framework was launched only in 2019 and that the Council is about to decide upon the adoption of an implementing decision which would allow the UK to take part in automated exchanges of dactyloscopic data; points out, in that regard, that under the special consultation procedure for the ex-third pillar acts on 13 May 2020 Parliament rejected the Council's draft decision due to concerns over full reciprocity for fingerprint data exchange, over data protection guarantees, as well as over the very short time for its application; calls on the Council to carefully consider Parliament's arguments for rejection; reminds the negotiators that, if adopted, the Council decisions authorising those automated data exchanges will expire at the end of the transition period; stresses the need for a timely agreement on new arrangements for the future relationship, given the importance of information exchange in the fight against serious and organised cross-border crime and terrorism;

88. Is concerned that the UK negotiating mandate lacks ambition in important areas of judicial cooperation in criminal matters; believes that a solution allowing for a more ambitious level of cooperation than the one provided for under the European Convention on Extradition could be found by the EU and the UK;

***Migration, asylum and border management***

89. Stresses the need to agree the terms of cooperation on migration of nationals other than those of the two parties, while respecting fundamental rights, upholding human dignity and recognising the need to protect the most vulnerable; reiterates its call that such cooperation should, at the very least, contain arrangements that enhance safe and legal pathways to access international protection, including through family reunification;

90. Stresses the need for strong cooperation between the parties in order to combat human smuggling and trafficking in human beings, in line with international law, which will remain applicable to the border between the EU and the UK;

91. Insists that the UK cannot 'cherry-pick' which elements of the EU asylum and migration *acquis* it would like to keep;

92. Stresses once again the need for the adoption of a plan on family reunification ready to enter into force at the end of the transition period;

93. As part of such a plan, and also more generally, the Parliament reminds the negotiators of the obligation of both the EU and the UK to protect all children on their territory, and in line with the United Nations Convention on the Rights of the Child 1989 (UNCRC calls on the Member States, once concrete proposals are made by the UK, to give a mandate to the Commission to negotiate a plan on family reunification for asylum seekers);

94. Stresses the importance of a coordinated approach by the EU on all those issues, as bilateral arrangements between the UK and individual Member States on issues such as family reunification for asylum seekers or refugees, relocation or readmission arrangements, risk having negative consequences for the coherence of EU asylum and migration policy; calls on both the EU and the UK to strive for a balanced and constructive approach in all those matters;

***Anti-money laundering and counter-terrorism financing***

95. Calls on the EU and the UK to include provisions on anti-money laundering and countering the financing of terrorism (AML/CFT) policy in the future partnership agreement, including an exchange of information mechanism; recalls that, in the Political Declaration, the EU and the UK committed to go beyond the Financial Action Task Force standards on AML/CFT with regard to beneficial ownership transparency and to end the anonymity associated with the use of virtual currencies, including through customer due diligence controls;

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96. Calls on the EU and the UK to include in the new partnership agreement specific provisions regarding the supervision of financial and non-financial obliged entities in the context of the anti-money laundering framework;

#### **Tax matters**

97. Calls on the EU and the UK to prioritise a coordinated fight against tax evasion and tax avoidance; calls for the Parties to address harmful tax practices by pursuing acts of cooperation under the EU Code of Conduct on business taxation; notes that the UK is ranked high according to the Commission on indicators that identify a country as having features that can be used by companies for tax avoidance purposes; calls on the future agreement to specifically address this matter; notes that, at the end of the transition period, the UK will be considered as a third country and will have to be screened by the Code of Conduct Group on Business Taxation according to the criteria established for the EU list of non-cooperative jurisdictions; calls for the EU and the UK to ensure full administrative cooperation to ensure compliance with VAT legislation and with the protection and recovery of VAT revenues;

#### **The fight against climate change and environmental protection**

98. Considers that the UK should fully align itself with the EU's current and future climate policy framework, including revised 2030 targets, 2040 targets and the trajectories to achieve climate neutrality by 2050;

99. Considers that the UK should implement a system of carbon pricing of at least the same scope and effectiveness as that provided for by the EU Emissions Trading System (EU ETS) and should apply the same principles regarding the use of external credits by the end of the transition period; further considers that, should the UK request that its own emissions trading system be linked to the EU ETS, the following two conditions for the consideration of such a request should apply: the UK emissions trading system should not undermine the integrity of the EU ETS, in particular its balance of rights and obligations, and should reflect the continuous increase in the scope and effectiveness of the EU ETS; stresses that a system of carbon pricing should already be set and in place ahead of the vote in Parliament on whether to give consent to the draft Agreement;

100. Stresses the importance of ensuring the appropriate monitoring and assessment in the UK of air and water quality in addition to the adoption of the common standards and targets; further stresses the importance of the UK implementing and enforcing the emission limits and other provisions agreed under Directive (EU) 2016/2284 of the European Parliament and of the Council<sup>(16)</sup> and dynamically aligning with Directive 2010/75/EU of the European Parliament and of the Council<sup>(17)</sup>, including updates to the Best Available Technique Reference Documents;

#### **Public health**

101. Stresses that, should the UK wish to be included on the list of countries permitted to export goods to the EU that are subject to SPS measures, it will have to fully comply with EU requirements for those goods, including requirements relating to production processes; stresses, in addition, that rules of origin for food products in particular should be fully complied with and that clear rules in relation to the transformation of food products in the UK should be adopted to prevent the circumvention of EU requirements, especially in the context of possible FTAs between the UK and other countries;

102. Stresses that the UK will need to be in line with EU legislation relating to genetically modified organisms and plant protection products; considers that the Parties should aim to reduce the use and risks of pesticides; stresses the need for both Parties to endeavour to reduce the use of antibiotics in animal production and to continue to ban their use as a growth promoter and reduce inappropriate or unnecessary human use;

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<sup>(16)</sup> 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 (OJ L 344, 17.12.2016, p. 1).

<sup>(17)</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

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103. Stresses the importance of preventing shortages of medicinal products and medical devices; urges national authorities and stakeholders to ensure that the process of redistributing nationally authorised medicinal products is concluded by the end of the transition period; calls on the EU and the UK to cooperate over the long term to prevent, detect, prepare for and respond to established and emerging threats to health security; calls, in that regard, for ongoing cooperation between the EU and the UK to effectively combat the COVID-19 pandemic; considers that, should one of the parties not take adequate measures to address a health threat, the other party may adopt unilateral measures to protect public health;

104. Stresses the importance of upholding EU legislation on pharmaceuticals, medical devices, chemicals safety, including endocrine disrupting chemicals, while ensuring continued access to medicines and medical devices and underlines the fact that in any case, UK companies would be subject to the same obligations that apply to companies outside the EEA; stresses, in addition, the need to set out strong conditions on SPS measures going beyond the WTO agreement in order to protect the EU's internal market, and in particular consumers, from any risks related to import or export of products with the UK;

**Transport**

105. Stresses that the envisaged partnership based on the close economic ties and common interests should provide continued and unhindered connectivity for all modes of transport, subject to reciprocity, and should ensure a level playing field, in particular with regard to social, employment and environmental standards and passengers' rights; recalls that it should also include the specific situation of the Channel Tunnel, especially with regard to aspects of the safety and authorisation regime;

106. Considers that future cooperation with the UK should envisage transport projects of common interest and encourage good cross-border trade and business conditions, in particular facilitating and assisting SMEs businesses in avoiding any additional administrative burden;

107. Believes that UK participation in EU cross-border research and development programmes in transport, based on common interests, should be envisaged;

108. Recalls the importance of the Commission being the sole EU negotiator during the negotiations and that Member States are not to undertake any bilateral negotiations; however, urges the Commission to represent the interests of each Member State in the final comprehensive agreement;

109. Emphasises that rights and privileges entail obligations and that the level of access to the EU internal market should fully correspond to the extent of regulatory convergence and commitments agreed with respect to observing a level playing field for open and fair competition based on the minimum common standards applicable in the EU;

110. Recalls that aviation is the only mode of transport that does not have any legal WTO fall back in the event that no agreement is reached before the end of the transition period;

111. Considers that the envisaged partnership should include an ambitious and comprehensive chapter on air transport which ensures the EU's strategic interests, and contains appropriate provisions, on market access, investment and operational and commercial flexibility (e.g. code sharing) in respect of balanced rights and obligations, and should include close cooperation in aviation safety and air traffic management;

112. Stresses that any possible granting of some elements of the so-called 'fifth freedom' (freedom of the air) should be limited in scope and needs to include balanced and corresponding obligations in the interests of the EU;



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113. Notes that the current European Conference of Ministers of Transport framework, based on a limited number of permits, is not suitable for EU-UK relations, taking into account the extent of freight transported by road between the EU and the UK; in that regard, stresses that appropriate measures should be put in place to avoid threats to public order and prevent disruptions to traffic flows of road haulage operators and coach and bus service operators; underlines in this context the importance of providing improved direct sea routes from Ireland to the continent, thereby reducing the reliance on the UK 'land bridge';

114. Emphasises that UK freight transport operators cannot be granted the same rights and benefits as EU freight transport operators in respect to road freight transport operations;

115. Considers that the envisaged partnership should include the right of transit of laden and unladen journeys from the territory of one party to the territory of the same party through the territory of the other party;

116. Considers that the envisaged partnership should include a level playing field in the areas of, in particular, work, driving and rest time, posting of drivers, tachographs, vehicle weights and dimensions, combined transport and training of personnel, as well as specific provisions to ensure a comparable level of protection in relation to operators and drivers;

117. Urges that the fluidity of EU-UK maritime trade, the free movement of passengers, seafarers, offshore and onshore staff should be a priority; in that regard stresses that the EU and the UK should ensure proper border and customs systems are in place to prevent delays and disruptions;

### ***Culture and Education***

118. Considers that the Agreement should make clear that it will uphold cultural and linguistic diversity in accordance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions;

119. Welcomes the clear statement in the negotiating directives that future EU-UK relations should also encompass dialogue and exchange in the fields of education and culture; calls on the Commission to take into account the specific nature of the cultural sector when negotiating relevant mobility provisions; is concerned, moreover, that the provisions governing the entry and temporary stay of natural persons for business purposes contained in the draft text of the agreement published by the Commission do not meet the needs of the cultural and creative sector and risk hampering continued cultural exchange;

120. Supports unreservedly the clarity in the negotiating directives that audiovisual services should be excluded from the scope of the economic partnership and urges the Commission to remain steadfast in its position;

121. Stresses that access to the market for audiovisual services in the Union can only be guaranteed if Directive 2010/13/EU of the European Parliament and of the Council<sup>(18)</sup> is fully implemented so that the same re-transmission rights are granted to both sides; recalls that content originating in the UK will continue to be classed as 'European works' after the end of the transition period as long as works originating in non-Member States and non-EEA states which are party to the Council of Europe Convention on Transfrontier Television are included within the 'European works' content quota;

122. Welcomes the inclusion of issues relating to the return or restitution of unlawfully removed cultural objects to their countries of origin; and stresses the importance of continued cooperation with the UK in that field;

### ***Financial governance and scrutiny framework***

123. Calls for ensuring and respecting the right of access of Commission services, the European Court of Auditors, the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office, as well as the right of scrutiny of Parliament; recalls that the CJEU must be accepted as the competent court in cases where compliance with, and the interpretation of, EU law is concerned;

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<sup>(18)</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, p. 1).

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***Participation in Union programmes***

124. Recommends that the Commission pay particular attention to the following applicable principles and conditions related both to the 'Participation in Union Programmes' and 'Horizontal arrangements and governance':

- (a) take the necessary action to ensure that the general principles, terms and conditions to be established as part of the envisaged partnership in relation to participation in EU programmes include the requirement for the UK to make a fair and appropriate financial contribution, both in terms of participation fee and operational contribution, to any programmes in which it takes part;
- (b) ensure that the general rule for UK participation in any programme is in line with the standard conditions applicable for the participation of third countries and is for the full duration of the programme concerned and for all parts of the programme, except where partial participation is justified for reasons such as confidentiality; recommends that it ensure predictability for participants in EU programmes that are established in the EU and stability in terms of budgetary allocations;
- (c) ensure that UK participation in EU programmes does not entail an overall net transfer from the EU budget to the UK and that the EU is able unilaterally to suspend or terminate UK participation in any programme if the conditions for participation are not fulfilled or if the UK does not pay its financial contribution;
- (d) ensure that the necessary measures are in place in the Agreement with the UK to tackle financial irregularities, fraud, money laundering, and other criminal offences affecting the financial interests of the Union, and to ensure the protection of the EU's financial interests;

125. Believes, in particular, that UK participation in line with the general principles for participation of third countries in Union programmes in cross-border, cultural, development, education and research programmes such as Erasmus+, Creative Europe, Horizon, the European Research Council, the LIFE Programme, the Trans-European Transport Network (TEN-T), the Connecting Europe Facility (CEF), Single European Sky (SES), Interreg, joint technology initiatives such as Clean Sky I and II, Single European Sky ATM Research (SESAR), ERICs, Galileo, Copernicus, the European Geostationary Navigation Overlay Service (EGNOS), Space, Surveillance and Tracking (SST) Support Framework, and public-private partnerships, is important;

126. Expects the agreement to address the UK's relationship to Euratom and the ITER project and the impact of a withdrawal on assets and liabilities; expects the UK, furthermore, to comply with the highest nuclear safety, security and radiation protection standards;

127. Considers that, should the UK ultimately wish to participate in the internal market, it should contribute to the cohesion funds for the 2021-2027 period, as is the case for EEA countries;

128. Believes that the new agreement should take into account the needs of the EU regions affected by the withdrawal of the UK from the EU;

129. Stresses that it is of the utmost importance that the PEACE programme continue to operate in Northern Ireland and the border regions of Ireland, and to be administered autonomously by the Special EU Programmes Body;

130. Considers that cooperation on issues of mutual interest between EU outermost regions and overseas countries and territories on the one hand, and UK Overseas Countries and Territories (OCTs) on the other hand, particularly in the Caribbean and Pacific, should continue; calls for special provisions to allow future joint projects under the European Development Fund and cohesion funds, as appropriate; and for the need to maintain an adequate level of support for the remaining OCTs;

131. Underlines that, by making financial resources available through the EU budget, the European Union Solidarity Fund (EUSF) is a tangible expression of solidarity when serious repercussions on, inter alia, the economy affect one or more regions of the EU or of a country applying for accession;

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132. Underlines the need to link the participation in programmes with alignment to related policies, such as on climate or cyber policies;

133. Considers that an agreement on energy cooperation, in line with the overall agreement on the future relations and based on a robust governance and level-playing field, would be in the mutual interest of the both parties;

134. Underlines that to ensure continuity for the Single Electricity Market on the island of Ireland after the UK's withdrawal requires the continued application of the EU energy *acquis* in Northern Ireland;

135. Is of the opinion that the UK could continue to be an important partner in the EU space policy, underlines that the future access of the UK to the EU Space Programme needs to be addressed in the negotiations while preserving the EU's interests and in line with the applicable legal framework for participation of third countries in the EU Space Programme;

### ***Intellectual Property***

136. Emphasises that the envisaged agreement should contain strong and enforceable measures covering the recognition and a high-level of protection of GIs as well as intellectual property rights, such as copyright and related rights, trademarks and industrial designs, patents and trade secrets, based on the current and future EU legal framework without jeopardising access to affordable medicines, such as generics; considers that it should also ensure the possibility for close bilateral cooperation between the European Union Intellectual Property Office (EUIPO) and the Intellectual Property Offices in the UK;

### ***Company law***

137. Notes that, in order to avoid the lowering of standards and ensure legal standing in the UK and the EU, it is desirable that the envisaged agreement includes minimum common standards regarding setting up and carrying out operations, protection for shareholders, creditors or employees, company reporting and auditing and transparency rules, as well as mutual recognition of judicial decisions regarding restructuring and bankruptcy or insolvency;

### ***Civil justice cooperation, including in family matters***

138. Underlines that civil judicial cooperation is of paramount importance to ensure future trade and business interaction between citizens and companies and to provide certainty and sufficient protection of parties in cross-border transactions and other activities; is of the opinion that it should therefore be carefully assessed whether the Lugano Convention could be an adequate solution that would allow the EU to maintain the overall balance of its relationships with third countries and international organisations, or whether a new solution that could ensure a 'dynamic alignment' between the two sides, would be more appropriate;

139. Emphasises that the envisaged agreement should find a meaningful and comprehensive solution with regard to matrimonial, parental responsibility and other family matters in particular; in that context, notes that any reciprocal enforcement provisions concerning family matters in the envisaged agreement should be based not only on the principle of mutual trust of judicial systems, but also on the existence of certain constitutional guarantees and common fundamental rights standards;

### ***Development cooperation and humanitarian aid***

140. Notes that the UK remains one of the biggest bilateral donors in the world, and points out that the EU needs to address the opportunities for cooperation with the UK in a spirit of partnership; regrets that the withdrawal of the UK from the EU will leave gaps in the EU's overall development cooperation and humanitarian aid policy;

141. Emphasises the central roles of the EU and UK in addressing common challenges through development policy and humanitarian aid; underlines the importance of the pursuit of Policy Coherence for Development in that regard;

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142. Underlines the importance of a strong partnership that enshrines the rights-based approach while ensuring a continued commitment to, and collaboration in, achieving the SDGs, human rights, poverty eradication, as well as in implementing the Paris Agreement; underlines, furthermore, the importance of harmonised responses to humanitarian crises, and the fundamental principles of humanitarian aid;

143. Is convinced that the post-Cotonou partnership and the EU-Africa Strategy can be enhanced by effectively cooperating with the UK, and building on the UK's strong presence in Africa, the Caribbean and the Pacific; stresses that the EU, UK and ACP countries should cooperate at all levels in line with the principles of partnership, solidarity and complementarity;

### ***Security and foreign affairs***

144. Notes the fact that the UK negotiating objectives published on 27 February 2020 stated that foreign policy will be determined only within a framework of broader friendly dialogue and cooperation between the UK and the EU, demoting this key area to the status of a non-institutionalised relationship to be agreed upon at a later stage;

145. Regrets that this is contrary to the provisions of the Political Declaration, which envisages an ambitious, broad, deep and flexible partnership in the field of foreign policy, security and defence and calls for the establishment of a future broad, comprehensive and balanced EU-UK security partnership, and to which the UK has agreed;

146. Recalls the EU's position that foreign policy, security and defence should be part of a comprehensive agreement governing the future EU-UK relationship;

147. Deplores the fact that the UK shows no ambition for relations with the EU in the field of foreign policy, security and defence and that these were explicitly not covered by the UK mandate and therefore do not form part of the 11 negotiating tables;

148. Recalls that both the EU and the UK share principles, values and interests; stresses that it is in both sides' interest to maintain an ambitious, close and lasting cooperation respecting the autonomy of the EU in the form of a common framework on foreign and security policy based on Article 21 TEU and taking into account the UN Charter and NATO in the following areas:

- (a) the promotion of peace;
- (b) a shared approach towards common security challenges, and global stability including in the European neighbourhood;
- (c) the promotion of a rules-based international order;
- (d) the consolidation of democracy and rule of law;
- (e) the protection of human rights and fundamental freedoms;
- (f) the promotion of global prosperity, sustainable development, combatting climate change and mitigating biodiversity loss;

149. Observes that deeply integrated and coordinated international cooperation between the EU and UK would be of great benefit for both parties and for the global world order in general, given their similar approaches towards effective multilateralism, safeguarding peace, security and sustainability as well as defending and implementing human rights; proposes that such coordination should be governed by a systemic platform for high-level consultations and coordination on foreign policy issues; underlines the importance and added value of interparliamentary cooperation on global issues;

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150. Stresses that common responses to address foreign, security and defence policy challenges such as terrorism, cyber-warfare, crisis in the neighbourhood, respect for human rights, disinformation campaigns and hybrid threats are necessary for both sides; encourages effective, timely and reciprocal dialogue, consultation, coordination and the exchange of information and intelligence; subject to democratic control by the UK and EU institutions; recalls that exchanges of classified information must be organised within a specific framework;

151. Emphasises that from the end of the transition period, the UK will become a third country without any specific framework of relations, which will have a significant impact on existing cooperation in foreign and security policy;

152. Calls on both the EU and UK to strengthen international peace and stability including by developing joint strategies to strengthen UN peacekeeping efforts; calls on both parties to promote the culture of peace and dialogue as a means of conflict prevention, conflict management and conflict resolution, women and gender rights; supports continuing existing cooperation in those areas; calls for systematic preferential cooperation in peacekeeping operations; calls for enhanced cooperation between the EU and UK on matters linked to democratic development, reform processes and democratic parliamentary practices in third countries, including election observation;

153. States the EU's strong interest in such a foreign affairs and security partnership, given mutual benefits resulting from the UK's and France's permanent seat in the Security Council, UK's and EU members' highly performant diplomatic service, and the fact that the UK possesses the most powerful armed forces in Europe;

154. Proposes to base the future partnership on a very close and regular cooperation and coordination in the UN, in particular the UN Security Council and the UN Human Rights Council;

155. Stresses the mutual importance between security and development; encourages both the EU and the UK to closely cooperate on sustainable development and humanitarian aid; recalls both parties the importance to commit on achieving the 0,7 % ODA/GNI target and to support the principle of Policy Coherence for Development; believes that the post-Cotonou partnership and the EU-Africa Strategy can benefit from an effective cooperation with the UK which address high social, human rights and environmental protection standards, in order to achieve the Sustainable Development Goals, and the Paris agreement;

156. Stresses that it is in the mutual interest of the EU and the UK, amplified by their geographical proximity, to cooperate on the development of effective and genuinely interoperable defence capabilities, including with the European Defence Agency, with which an administrative arrangement should be concluded, and to continue the highly valuable partnerships within NATO and EU programmes on defence and external security, Galileo cyber-security programmes and the fight against targeted disinformation campaigns and cyberattacks, as the current COVID-19 pandemic has illustrated; recalls that, as regards the participation to the Public Regulated Service of Galileo, a specific agreement is both possible and necessary; notes also that, as regards the upcoming European Defence Fund, the UK could be associated under the conditions set for third countries; calls on both the EU and UK to develop a joint approach to standardisation of defence technology;

157. Expects the UK to be able to continue the established cooperation and information exchange of national authorities in the area of cybersecurity;

158. Recalls that a number of restrictive measures (sanctions regimes) are currently in force in the UK under EU legislation; recognises the effective use of sanctions for human rights, democracy, rule of law in accordance with the UN Charter; underlines the fact that the UK will still be bound to apply UN sanctions regimes following its withdrawal and calls for the UK to continue aligning its sanctions policy with the EU; and calls for the establishment of a proper coordination mechanism for sanctions between both parties, and close cooperation on sanctions in global fora, in order to maximise their impact and to ensure convergence and that mutual interests are pursued and met in the promotion of common values;

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159. Encourages the UK to participate in the relevant EU agencies and take a prominent role in EU crisis management operations and in CSDP missions and operations, including in humanitarian and rescue missions, conflict prevention and peacekeeping, military advice and assistance and post-conflict stabilization as well as in projects under Permanent Structured Cooperation (PESCO), where invited to participate, and, stresses that such participation should be subject to stringent conditions respecting the decision making autonomy of the EU as well as the sovereignty of the UK, the principle of balanced rights and obligations and based on effective reciprocity, including a fair and appropriate financial contribution; calls on the Commission and the European External Action Service to regularly inform Parliament concerning the process of political dialogue with the UK and on the main aspects of the information exchanges on CSDP and crisis management;

160. Recalls that effective international arms control, disarmament and non-proliferation regimes are a cornerstone of global and European security; recalls the importance of a coherent and credible European strategy for multilateral negotiations at global level and on regional de-escalation and confidence-building measures; recalls the important role the UK played as regards the development and establishment of such norms, institutions and organisations; invites the UK to develop a joint strategy with the EU as regards that policy area, particularly in line with the UN disarmament agenda; calls on the UK to commit to remain bound by the criteria equivalent to those collected by Common Position 2008/944/CFSP<sup>(19)</sup> and, jointly with the EU, to promote the universalisation and strict implementation of the Arms Trade Treaty, the Non-Proliferation Treaty (NPT) and the renewal of the New START;

161. Emphasises the great importance of consular and diplomatic cooperation between the EU and the UK, as this would ensure efficient assistance for each other's citizens and would allow both the UK and EU to offer its citizens the possibility of benefiting from consular protection in third states where one of the two parties has no diplomatic representation, in accordance with point (c) of Article 20 TFEU;

162. Highlights the fact that the COVID 19 pandemic has illustrated the importance of military capacities and assets, with European armed forces playing a crucial role in support of civilian efforts in tackling the pandemic, while fulfilling their core missions; emphasises that this pandemic has demonstrated the importance of strategic autonomy of the EU and European defence cooperation to protect European populations in times of emergency and to foster the resilience of Member States; considers that mechanisms should be put in place to enable prompt cooperation between the Union and the United Kingdom in the face of future crises of a similar nature and scale; is of the view that drawing the lessons of the COVID19 pandemic, European military medical services should form an information exchange and support network to foster broad European resilience in times of emergency and crisis; considers that the participation of the UK in any such future European military medical network would be mutually beneficial;

### ***Institutional provisions and Governance***

163. Points out that the entire Agreement with the UK as a third country, including provisions on the level playing field, specific sectorial issues and thematic areas of cooperation and fisheries, should include the establishment of a single coherent and solid governance system as an overarching framework, covering the joint continuous supervision and management of the Agreement as well as transparent dispute settlement, compliance and enforcement mechanisms with sanctions and interim measures where necessary with respect to the interpretation and application of the Agreement's provisions;

164. Is of the opinion that a single, comprehensive and horizontal governance mechanism should be applicable to the future relationship with the UK as a whole, including any supplementing agreements that may be concluded at a later stage, while ensuring consistency with the provisions of the Withdrawal Agreement and avoiding inefficiencies; points out that the dispute resolution mechanism will need to be robust and should provide for gradual sanctions as well as remedies when it is determined that one of the parties is in breach of the Agreement, and that such a mechanism will need to ensure effective, rapidly actionable and dissuasive remedies; emphasises that Parliament will continue to be vigilant regarding the implementation of all provisions; recalls that the UK, as a former Member State, has developed important institutional cooperation and dialogue structures with the EU that should facilitate making such horizontal arrangements operational; reiterates that the EU expects from the UK a greater level of ambition on governance in order to build a solid future partnership;

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<sup>(19)</sup> OJ L 335, 13.12.2008, p. 99.



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165. Insists on the absolute necessity for that governance system, while respecting the autonomy of both sides, to fully preserve the autonomy of the EU's decision-making and legal and judicial order, including the role of Parliament and the Council as co-legislators of EU law, and the role of the CJEU as the sole interpreter of EU law and the EU Charter of Fundamental Rights; considers that, for provisions based on EU law concepts, the governance arrangements must provide for referral to the CJEU;

166. Welcomes the proposal to establish a Parliamentary Partnership Assembly for Members of the European Parliament and of the Parliament of the UK, with the right to receive information from the Partnership Council and submit recommendations to it and emphasises that the Agreement should provide the legal basis for provisions enabling the institutional set-up of that body;

167. Demands that Parliament's role be respected in the context of the implementation of the provisions on regulatory cooperation in order to ensure that it is able to exercise proper political oversight, and that its rights and prerogatives as co-legislator are guaranteed; recalls Parliament's rights to be informed about the arrangements on review of the Agreement;

168. Emphasises that the Agreement in its entirety should be covered by provisions on civil society dialogue, stakeholder involvement and consultation by both parties, in accordance with paragraph 125 of the Political Declaration, which should encompass, in particular, social partners, including organisations and employee associations representing both EU citizens living and working in the UK and UK citizens in the EU; insists on the establishment of domestic advisory groups supervising the implementation of the Agreement;

169. Supports the continued participation of the UK as a third country observer with no decision-making role in EU non-regulatory agencies such as in the transport, environment or employment fields, as well as possible UK cooperation agreements with peer regulatory agencies such as the European Chemicals Agency, the European Aviation Safety Agency and the European Maritime Safety Agency, in order to exchange data, best practices and scientific knowledge; reiterates its call on the Commission, taking into account the status of the UK as a non-Schengen third country and as a key partner in the fight against terrorism and organised crime, to consider potential future practical cooperation between the UK authorities and the EU agencies in the field of Justice and Home Affairs;

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170. Instructs its President to forward this recommendation to the Commission and, for information, to the Council, the governments and parliaments of the Member States, and the Government and Parliament of the United Kingdom of Great Britain and Northern Ireland.

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## Eastern Partnership in the run-up to the June 2020 Summit

**European Parliament recommendation of 19 June 2020 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 Eastern Partnership, in the run-up to the June 2020 Summit (2019/2209(INI))**

(2021/C 362/13)

*The European Parliament,*

- having regard to Articles 2, 3 and 8 and Title V, notably Articles 21, 22, 36 and 37, of the Treaty on European Union (TEU), and to Part Five of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the launch of the Eastern Partnership in Prague on 7 May 2009 as a common endeavour of the EU and its six Eastern European Partners Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine,
- having regard to the Joint Declarations of the Eastern Partnership Summits of 2009 in Prague, 2011 in Warsaw, 2013 in Vilnius, 2015 in Riga and 2017 in Brussels,
- having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part <sup>(1)</sup>, to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part <sup>(2)</sup>, to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part <sup>(3)</sup>, including Deep and Comprehensive Free Trade Areas (DCFTAs), and to the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part <sup>(4)</sup>,
- having regard to the Partnership Priorities between the EU and Azerbaijan endorsed by the Cooperation Council on 28 September 2018 <sup>(5)</sup>,
- having regard to the final statements and recommendations of the meetings of the Parliamentary Association Committees with Ukraine and Moldova of 19 December 2019,
- having regard to Parliament's annual report on the implementation of the common foreign and security policy of 18 December 2019 <sup>(6)</sup>,
- having regard to Regulation (EU) 2018/1806 of the European Parliament and of the Council <sup>(7)</sup> 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,

<sup>(1)</sup> OJ L 261, 30.8.2014, p. 4.

<sup>(2)</sup> OJ L 260, 30.8.2014, p. 4.

<sup>(3)</sup> OJ L 161 E, 29.5.2014, p. 3.

<sup>(4)</sup> OJ L 23, 26.1.2018, p. 4.

<sup>(5)</sup> Recommendation No 1/2018 of the EU-Azerbaijan Cooperation Council of 28 September 2018 on the EU-Azerbaijan Partnership Priorities (OJ L 265, 24.10.2018, p. 18).

<sup>(6)</sup> European Parliament resolution of 15 January 2020 on the implementation of the common foreign and security policy — annual report (Texts adopted, P9\_TA(2020)0008).

<sup>(7)</sup> Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 303, 28.11.2018, p. 39).

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- having regard to the Agreements between the European Union and the Republic of Armenia <sup>(8)</sup> and the Republic of Azerbaijan <sup>(9)</sup> on the facilitation of the issuance of visas, and to the signing of an agreement on the facilitation of the issuance of visas by the European Union and the Republic of Belarus on 8 January 2020 <sup>(10)</sup>,
- having regard to the Joint Communication of the Commission and the Vice-President/High Representative of the Union for Foreign Affairs and Security Policy of 18 March 2020 to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Eastern Partnership policy beyond 2020, entitled 'Reinforcing Resilience — an Eastern Partnership that delivers for all',
- having regard to the conclusions of the Foreign Affairs Council on the European Neighbourhood Policy and the Eastern Partnership,
- having regard to the recommendations by and the activities of the Euronest Parliamentary Assembly, the European Economic and Social Committee, the Eastern Partnership Civil Society Forum, the Committee of the Regions, and the Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP),
- having regard to the resolution of the Euronest Parliamentary Assembly of 9 December 2019 on 'The future of the Trio Plus Strategy 2030: building a future of Eastern Partnership',
- having regard to the EU Global Strategy and the revised European Neighbourhood Policy,
- having regard to the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,
- having regard to its resolutions of 20 May 2010 on the need for an EU strategy for the South Caucasus <sup>(11)</sup>, of 23 October 2013 on the European Neighbourhood Policy <sup>(12)</sup>, of 18 September 2014 on the situation in Ukraine and state of play of EU-Russia relations <sup>(13)</sup>, of 15 January 2015 on the situation in Ukraine <sup>(14)</sup>, of 15 April 2015 on the centenary of the Armenian Genocide <sup>(15)</sup>, of 9 July 2015 on the review of the European Neighbourhood Policy <sup>(16)</sup>, of 21 January 2016 on Association Agreements / Deep and Comprehensive Free Trade Areas with Georgia, Moldova and Ukraine <sup>(17)</sup>, of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties <sup>(18)</sup>, of 13 December 2016 on rights of women in the Eastern Partnership States <sup>(19)</sup>, of 16 March 2017 on the Ukrainian political prisoners in Russia and the situation in Crimea <sup>(20)</sup>, of 19 April 2018 on Belarus <sup>(21)</sup>, of 14 June 2018 on Georgian occupied territories 10 years after the Russian invasion <sup>(22)</sup>, of 4 July 2018 on the draft Council decision on the conclusion, on behalf of the Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part <sup>(23)</sup>, of 4 October 2018 on the deterioration of media freedom in Belarus, notably the case of Charter 97 <sup>(24)</sup>, of 14 November 2018 on the implementation of the EU Association Agreement with Moldova <sup>(25)</sup>, of 14 November 2018 on the implementation of the EU Association Agreement with Georgia <sup>(26)</sup>, and of 12 December 2018 on the implementation of the EU Association Agreement with Ukraine <sup>(27)</sup>,

<sup>(8)</sup> OJ L 289, 31.10.2013, p. 2.

<sup>(9)</sup> OJ L 128, 30.4.2014, p. 49.

<sup>(10)</sup> 12363/19 VISA 191 COEST 210.

<sup>(11)</sup> OJ C 161 E, 31.5.2011, p. 136.

<sup>(12)</sup> OJ C 208, 10.6.2016, p. 119.

<sup>(13)</sup> OJ C 234, 28.6.2016, p. 14.

<sup>(14)</sup> OJ C 300, 18.8.2016, p. 27.

<sup>(15)</sup> OJ C 328, 6.9.2016, p. 2.

<sup>(16)</sup> OJ C 265, 11.8.2017, p. 110.

<sup>(17)</sup> OJ C 11, 12.1.2018, p. 82.

<sup>(18)</sup> OJ C 224, 27.6.2018, p. 58.

<sup>(19)</sup> OJ C 238, 6.7.2018, p. 42.

<sup>(20)</sup> OJ C 263, 25.7.2018, p. 109.

<sup>(21)</sup> OJ C 390, 18.11.2019, p. 100.

<sup>(22)</sup> OJ C 28, 27.1.2020, p. 97.

<sup>(23)</sup> OJ C 118, 8.4.2020, p. 43.

<sup>(24)</sup> OJ C 11, 13.1.2020, p. 18.

<sup>(25)</sup> Texts adopted, P8\_TA(2018)0458.

<sup>(26)</sup> Texts adopted, P8\_TA(2018)0457.

<sup>(27)</sup> Texts adopted, P8\_TA(2018)0518.

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- having regard to its previous resolutions on Russia, especially those related to Russia's actions in the territories of the EaP countries, violations of the rights of the Crimean Tatars, the occupation of parts of the territory of Georgia and related borderisation activities, and hostile propaganda and disinformation against the EU and the EaP countries,
  - 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 <sup>(28)</sup> and to its recommendation of 4 July 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the negotiations on the EU-Azerbaijan Comprehensive Agreement <sup>(29)</sup>,
  - having regard to Rule 118 of its Rules of Procedure,
  - having regard to the letter from the Committee on International Trade,
  - having regard to the report of the Committee on Foreign Affairs (A9-0112/2020),
- A. whereas for the foreseeable future the EU remains the dominant political and economic power of Europe, and this generates responsibility towards its neighbours;
- B. whereas the June 2016 EU Global Strategy states that the EU's priority is fostering resilient, well-governed, prosperous and aligned states in the neighbourhood;
- C. whereas the Eastern Partnership (EaP) is inclusive by nature, is based on mutual interests and understanding, shared ownership and responsibility, differentiation and conditionality, and aims for a shared commitment between Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, Ukraine and the European Union to deepen their relations and adhere to international law and core values such as democracy, respect for human rights and fundamental freedoms, the rule of law, the independence and impartiality of the judiciary, a social market economy, sustainable development and good governance, with the goal of increasing stability and prosperity;
- D. whereas increased cooperation between the EU and the EaP countries is not a linear process and a fully-fledged cooperation can be achieved and maintained only insofar as the core European values and principles are respected during the constitutional and legislative process and if the fight against corruption, organised crime, money laundering, oligarchic structures and nepotism is guaranteed; stresses, however, that in serious cases of backsliding cooperation can be reversed;
- E. whereas certain EaP countries chose to pursue a closer political, human and economic integration with the EU, based on the principle of differentiation and in accordance with performance results and aspirations, and concluded ambitious Association Agreements (AAs) including Deep and Comprehensive Free Trade Areas (DCFTAs), as well as visa-free regimes and Common Aviation Area Agreements; in addition, they declared the strategic goal of membership of the EU and have already proved their ability to ensure greater stability, security, prosperity and resilience in the Eastern neighbourhood; whereas public support in their societies for European integration remains at a very high level;
- F. whereas other EaP countries pursue a more nuanced level of ambition towards the EU; whereas Armenia is part of the Russian-led economic and military regional integration structures (the Eurasian Economic Union and the Collective Security Treaty Organisation) and has concluded the Comprehensive and Enhanced Partnership Agreement with the EU; whereas Azerbaijan as of 2017 is negotiating a new comprehensive agreement with the EU which will replace the Partnership and Cooperation Agreement of 1999; whereas Belarus does not have any treaty-based contractual relationship with the EU, but recently visa facilitation and readmission agreements have been signed;
- G. whereas since the establishment of the EaP, partner countries have displayed a varied pace of political and economic reform, due to both internal and external factors, and have not yet reached a point where these reforms are irreversible;
- H. whereas maintaining a long-term European perspective for the interested countries in the EaP is a catalyst for democratisation and further reforms in the EaP countries;

<sup>(28)</sup> OJ C 356, 4.10.2018, p. 130.

<sup>(29)</sup> OJ C 118, 8.4.2020, p. 158.

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- I. whereas there is a need to encourage the development of tailor-made strategies with all EaP countries, as well as to advance to more ambitious forms of cooperation and integration where desired by the partner countries and to support and sustain an ambitious pace of implementation of European integration reforms;
- J. whereas that goal can be achieved provided that progress in respect for the rule of law and in strengthening democracy is attained, and comprehensive reforms are implemented in a timely, authentic, sustainable and effective manner, with the support of flexible EU instruments and in accordance with international commitments and obligations, also respecting fundamental human and minority rights;
- K. whereas the achievements and the strengthened differentiation in bilateral relations between the EU and the EaP countries with which it has signed an Association Agreement are welcome, and it is now time to provide those countries with clearer guidance on specific reform priorities, alignment criteria and the next steps in the EU integration process;
- L. whereas the main goal of the AAs/DCFTAs is to create the necessary conditions to accelerate political association and further economic integration between the EU and interested partner countries;
- M. whereas the independence, sovereignty and territorial integrity of the EaP countries are still infringed by unresolved regional conflicts, external aggression and the ongoing occupation of the territories of some of those countries, which undermine the human rights situation, represent a barrier to enhancing the prosperity, stability and growth of the EaP and compromise EU action, thus endangering the whole EaP project; whereas in the majority of these conflicts Russia is playing an active role as an aggressor, through its hybrid warfare, illegal occupation and annexation policy, cyberattacks, propaganda and disinformation, which threaten European security as a whole;
- N. whereas European prosperity and security are closely linked to the situation of the neighbouring countries, and of the EaP countries in particular; whereas the Eastern Partnership pursues the common goals of good neighbourly relations and regional cooperation, and the revised European Neighbourhood Policy should foster and strengthen capacities to resolve bilateral disputes and strive for reconciliation between societies in the Eastern neighbourhood;
- O. whereas the European Parliament condemns the violation of the sovereignty and territorial integrity of the EaP countries, does not recognise forcible changes in their borders and attempted annexation of their territories, and rejects the use of force or the threat of force, sharing the EU's commitment to supporting a peaceful conflict resolution via diplomatic means and in accordance with the norms and principles of international law, the UN Charter and the Helsinki Final Act, namely in the conflicts to which Russia is a party;
- P. whereas since the establishment of the EaP the EU has expanded and sustained its political, economic and security presence in the EaP countries, thus gaining increased leverage and opportunities to promote its values and principles and increasing the interdependence between the EU and EaP countries;
- Q. whereas the EaP countries can play a significant role for direct access to Central Asia and contribute to the EU's Central Asia Strategy as reliable Eastern European partners;
- R. whereas through the EaP the EU helped kick-start structural reforms, including of institutions and governance structures, as well as laying the foundations for deep socio-economic and political transformation across the Eastern neighbourhood; whereas progress has been achieved in the approximation of the EaP countries to the EU regulatory framework and its norms, standards and practices;
- S. whereas a direct consequence of the EaP has been the empowerment, increased expectations and demand for accountability and transparency from civil society towards the governments of the EaP countries, which have proved to be a major internal driver for reform; whereas the success of transformation in the EaP countries, and in particular in the three associated partner countries, can yield a positive example for other countries;

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- T. whereas independent prosecutors and judges, free courts and institutions, a strong civil society and independent media, all acting as watchdogs, are key elements that the EU should continue to actively support in its Eastern neighbourhood;
- U. whereas strong and resilient institutions, the prevalence of the rule of law, the implementation of judicial reforms and the fight against corruption and money laundering are pivotal in building a fair, stable and trustworthy environment, which can then in turn attract and sustain long-term investment and growth in the EaP countries;
- V. whereas on the occasion of the 10th anniversary of the EaP the European Council emphasised the importance of the strategic partnership with the EaP countries and called on the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to make long-term policy proposals in order to prepare the June 2020 Summit;
- W. whereas the European Parliament is committed to adopting annual resolutions on the implementation of AAs/DCFTAs by the associated countries and at least biannual recommendations on the relations with the remaining EaP countries and the EaP policy as a whole;
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) acknowledge that the EaP countries have increasingly assumed more responsibility and ownership with respect to the EaP initiative; underline the importance of striving for a continuous impetus towards effective cooperation, intense dialogue and close partnership within the EaP, enhanced by the transformational impact of the EaP policy, which supports reforms that generate positive political, social, economic and legal change in the EaP countries, taking into consideration their level of ambition towards the EU; highlight the associated countries' striving for an ever closer relationship with the EU; confirm the sovereign right of the EaP countries to freely choose their individual level of cooperation or integration with the EU and to reject any external pressure on such choice;
  - (b) underline that, pursuant to Article 49 TEU, any European state may apply to become a member of the EU provided that it respects the values of human dignity, freedom, democracy, equality, the rule of law and human rights, including the rights of persons belonging to minorities, as referred to in Article 2 TEU; acknowledge that, while accession is not foreseen under the framework of the EaP, the EaP policy can facilitate a process of gradual integration into the EU; consider that for an eventual accession process both the EU and the EaP country concerned must be well prepared, taking into account the EU's future reforms process and the partner country's approximation to the EU acquis, as well as its compliance with the EU membership criteria; ensure that the full implementation of the current agreements between the EU and EaP countries will be the first step in this gradual integration process;
  - (c) promptly enact a strategic and future-oriented vision for the next decade of the EaP policy beyond 2020 with the aim of providing benefits first and foremost for citizens, strengthening resilience, fostering sustainable development, ensuring irreversible achievements, and deepening the EU-EaP cooperation and integration process, which is in the EU's own security and economic interests;
  - (d) ensure that the conclusions of the June 2020 Summit include a clear strategy and a long-term common vision for further engagement and development of the EaP beyond 2020, reinforced EU commitments and political incentives, as well as a pledge from the EaP countries to deliver on their own; encourage future Presidencies of the Council of the EU, in line with the European Parliament's resolutions and recommendations, to prepare detailed and ambitious agendas for cooperation with EaP countries, which would help to shape relations with EaP countries in a mutually desired direction in the decades to come;
  - (e) recognise that the EaP should continue to be an attractive framework for cooperation and support this process in line with the 'more for more' principle, in order to keep the EaP countries engaged in the reform process and on their path towards the EU;



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- (f) acknowledge that the Eastern partnership runs both ways as the experience of the EaP countries can be shared for the mutual benefit of the EU and its Member States and the EaP countries;
- (g) maintain a balanced approach between tailor-made differentiation within the EaP and the inclusiveness, coherence and consistency of the multilateral framework, which remains a reference point for all EaP countries; avoid splitting the EaP along the lines of the different countries' ambitions towards the EU; consider that the scope and depth of cooperation between the EU and the EaP countries is to be determined by the ambitions of the parties, as well as by their implementation of reforms; acknowledge that the AAs/DCFTAs that have been signed with Georgia, the Republic of Moldova and Ukraine are the evidence of a differentiated approach and should lead to further enhanced bilateral relationship formats and roadmaps based on the principle of 'more for more';
- (h) in light of a tailor-made approach, consider creating for the three associated countries an enhanced cooperation strategy, which could establish a reform and investment support programme in areas such as capacity building, transport, infrastructure, connectivity, energy, justice and the digital economy, which could later foresee an extension to the remaining EaP countries on the basis of individual assessments of EU reform commitments and progress achieved, bearing in mind the need to sustain the coherence of the EaP and in line with the inclusiveness principle; this dialogue could include meetings on the margins of the European Council with leaders of the associated countries on a structured basis, and regular participation of their representatives in the meetings of the European Council working groups and committees;
- (i) embark on a process to create a common economic space, leading towards integration with the four freedoms, that would facilitate deeper economic integration and convergence of EaP countries with EU policies and a deeper economic cooperation among the EaP countries themselves, using the path trodden with the Western Balkan countries;
- (j) launch additional measures for a deeper integration and further sectoral cooperation of the EaP countries with the EU and their participation in selected EU agencies, investment framework platforms and intra-EU programmes and initiatives, in full compliance with existing conditionalities and pursuant to the EU's incentive-based approach, in order to achieve further convergence in the spirit of the 'more for more' principle and taking into account the best reform support practices;
- (k) provide EaP countries with greater financial assistance, and make it subject to conditions, including in the context of ongoing legislative negotiations on the external financial instruments for the period 2021-2027; ensure that such assistance should be tailored to the specific needs of the individual EaP countries under the guidance of the European Parliament via delegated acts, and used to implement activities under the EaP programme; acknowledge that the EU's financial assistance is also an investment in the future, since it supports reforms that increase the economic and social stability of the EaP countries and lays down the basis for a successful future cooperation;
- (l) recognise the need for an additional political, administrative and financial support framework for the three associated countries within the overall EaP, based on individual approaches, that would address their specific structural reforms, modernisation and institution-building needs; note that this access to EU funding should be linked to reform commitments and should include a set of ambitious benchmarks;
- (m) prioritise the imperative of the 'more for more' democracy and rule of law principle in the light of recent developments in both the EU and EaP countries, and ensure that functioning and resilient democratic institutions, the rule of law, good governance, the fight against corruption and nepotism, media freedom and respect for human rights remain the key criteria and conditions for closer political partnership and financial assistance;
- (n) carry out regular impact assessments of the EU support programmes in order to increase their efficiency and apply timely adjustments; react faster to the deterioration of the rule of law and democratic accountability in the EaP countries and apply smart conditionality, including by linking the provision of macrofinancial assistance to democratisation and reforms, so as to prevent the partner governments from further backsliding; create conditions to be in a position to divert assistance in a given EaP country from the central authorities, if they do not adhere to commitments, to local authorities or civil society actors;

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- (o) enhance the role of the European Parliament in the scrutiny and oversight of programmes via delegated acts in the application of the EU external financial instruments;
- (p) enhance parliamentary diplomacy and review the functioning of Euronest in order to enable it to reach its full potential;

***Structured dialogue, state building and democratic accountability***

- (q) while keeping the inclusive nature of the Partnership and continuing to engage with all EaP countries, acknowledge the associated partnership status of advanced EaP countries, notably the signatories of AAs with DCFTAs, and establish more venues for enhanced political dialogue with them in order to advance further economic integration and legislative harmonisation; for example, include the associated countries as observers in the proceedings of the committees established pursuant to Article 291 TFEU and Regulation (EU) No 182/2011, as a means to show the EU's commitment to further integration and strengthen the countries' reform orientation and administrative know-how;
- (r) engage with the EaP countries in further assistance in state building and in strengthening institutions and their accountability by making instruments similar to the Support Group for Ukraine available to all EaP countries, with the associated partners having priority; develop existing and new EU tools in the area of rule of law and good governance to monitor and assess progress by the associated partners, in particular the EU Justice Scoreboard and the Rule of Law Mechanism; provide effective guidance and benchmarks for reforms, including by adopting roadmaps to specify association commitments; develop detailed working documents with a clear methodology and a comparative perspective drawing on the practice of the Visa Liberalisation Action Plan and accession process and in order to supplement the current Progress Reports and Association Agendas;
- (s) include multi-stakeholder monitoring in the assessment process of reforms in the EaP countries and, following the practice already established in Ukraine, make it mandatory for the EaP governments; ensure the continuation of the annual Association Implementation Reports by the Commission and the EEAS on the progress made by the three associated partners and apply a unified evaluation methodology, especially when analysing reforms in the same areas and sectors; issue regular, at least biannual, reports on relations with non-associated EaP countries; provide an implementation report on the trade and association agreements between the Union and the EaP countries, with a focus on social, environmental and economic development in the societies of the EaP countries, including in the framework of the Paris agreement;
- (t) acknowledge that strong, independent and efficient institutions at central and local level are key to democratic accountability, deoligarchisation, and the fight against corruption and state capture; therefore seek a renewed commitment by the EaP countries to enact comprehensive reforms of the judicial and public administration aimed at ensuring the independence, competence and merit-based recruitment of judges and civil servants, as well as the prioritisation of the fight against corruption, among other means by reducing the space for corruption through increased transparency, accountability and promotion of clean behaviour among the population at large, strengthening the rule of law and promoting good governance; acknowledge that without achieving the above-mentioned goals it will be virtually impossible to achieve sustainable growth, boost economic activity and development, cut back poverty, increase Foreign Direct Investment (FDI) and improve societal trust and political stability;
- (u) advance on a broader spectrum legal and economic reforms with an experience transfer from the EU Member States through twinning projects, particularly by extending the twinning programme to local and regional governments;
- (v) develop a European quality public administration in the associated EaP countries by opening job-shadowing schemes, offering civil servants from EaP countries temporary placements in the relevant services of the EU institutions and Member States in specific areas;
- (w) encourage the work of political foundations in fostering the next generation of political leaders in the EaP countries;

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- (x) acknowledge the initiatives by the governments of associated countries to boost their mutual cooperation and joint position within the EaP, and encourage their expansion to the multi-sectoral level, in particular in the areas of energy, transport, digital matters, cybersecurity, environmental protection, the maritime economy, border controls, customs cooperation, trade facilitation and justice and home affairs; a similar approach should be applied to cooperation among all EaP countries on various issues;
- (y) promote intra-regional trade among EaP countries, since increased trade with multiple partners contributes to developing the resilience of countries and their economies; encourage a greater involvement of the EaP countries in implementing EU macro-regional strategies and an efficient interregional and cross-border cooperation dialogue, so as to strengthen partners' national and regional capacities and facilitate their social and economic development;
- (z) foster electoral reforms in order to ensure free, fair, competitive and transparent elections and encourage full compliance of election processes, notably in the adoption of legislative amendments to electoral laws and party financing, with international standards, the recommendations of the Organisation for Security and Cooperation in Europe (OSCE) and the opinions of the Venice Commission; urge EaP countries to ensure the non-harassment, whether judicial, physical, or institutional, of political actors not aligned with the incumbent government, and to safeguard freedom of expression, of association and of assembly, including the right to peaceful demonstration; commend EaP states that have agreed on the implementation of democratising political reforms and support the strengthening of the electoral legislative framework through inclusive political dialogues;
- (aa) ensure that during the amending process of their electoral legislation the EaP countries create equal possibilities for the representation of all ethnic and national minorities;
- (ab) ensure regular European election observation missions to EaP countries in order to support the process of strengthening institutions, election processes and democratic accountability;
- (ac) contribute to preventing third-party interference in the political, electoral, and other democratic processes of the EaP states, whether designed to sway an election towards a favoured candidate or party, or to undermine trust in the democratic system, notably through disinformation, illicit political financing, cyberattacks on political and media actors, or any other illegal means;
- (ad) adopt an EU human rights violations sanctions mechanism or EU 'Magnitsky Act', to be applicable to individuals or entities found in breach of human rights or essential freedoms, particularly by engaging in arrests, kidnappings and beatings of civil society or opposition activists and journalists and in violent repression of peaceful protests, as well as those involved in high-level corruption cases in the EaP countries;

### ***Sectoral cooperation towards a common economic space***

- (ae) encourage continuous and effective implementation of the DCFTAs in order to gradually create the conditions for the opening up of the EU single market; consider the creation of a special legal approximation facility aimed at helping associated partners in harmonising their legislation with the EU acquis and assisting them in their efforts to implement it; acknowledge that the implementation of the DCFTAs has delivered numerous positive results, but there are still some issues that need to be adequately addressed;
- (af) note the importance of deepening economic cooperation and market integration with the EaP countries through a gradual opening of the EU single market, including the full implementation of DCFTAs and compliance with legal, economic and technical regulations and standards, as well as by establishing a common economic space;
- (ag) aim to explore and secure the cooperation and gradually differentiated sectoral integration of eligible and willing EaP countries in the Energy Union, the Transport Community and the Digital Single Market, among other areas; focus on telecommunications and prioritise the creation of a roaming fees-free regime between the EU and EaP countries and an intra-EaP one as soon as possible; build trust services, including cyber capacities to protect critical infrastructure

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and personal data, and achieve greater cooperation on customs, banking and financial services, which would help the EaP countries' fight against money laundering and bolster financial surveillance, while leading to the possible expansion of the Single Euro Payments Area (SEPA) to the EaP countries;

- (ah) introduce instruments such as legal screening and sectoral roadmaps to determine the EaP countries' readiness to comply with the EU acquis and to confirm their readiness for differentiated sectoral integration;
- (ai) promote the development of e-services, both commercial and public, and of the e-economy as well as of a wide range of telework capabilities, in order to strengthen resilience and resistance in case of crisis, as experienced with pandemics;
- (aj) ensure the EaP countries' strong involvement in and contribution to the fight against climate change, including through participation in the new European Green Deal and by ensuring that the DCFTAs do not contradict the climate objectives and initiatives set out therein; such engagement should take place through EU investment support, including from the EBRD and EIB, and should be conditional on a sound assessment of the environmental impact and of the effects on local communities, with a special focus on the sectors that might be affected and would be in need of extra support;
- (ak) make sure that adequate actions and funding are dedicated to improving waste water management in line with the absorption capacity of the partner countries and for the improvement of energy security and interconnectivity, particularly reverse flow of gas, energy efficiency and use of renewables in the EaP countries; recognise the important role of Azerbaijan in the diversification of energy supply towards the EU, as well as the success of Ukraine in the unbundling of the gas transmission system, and support energy independence and supply diversification efforts in other EaP countries; encourage the EaP countries to complete their reforms in the energy sector in compliance with EU law, including on environmental and safety policy;
- (al) provide continuous support to the upgrading of the EaP countries' solid waste management system to EU standards, by establishing recycling targets and recycling systems to meet the targets; address the negative impact on the environment and public health of outdated and unauthorised solid waste facilities; identify financial instruments to support the financing of waste management projects by the EU and national/local funds;
- (am) ensure that existing and new nuclear installations in the EaP countries comply with the highest environmental and nuclear safety standards, according to the international conventions; ensure that unsafe energy projects such as the Ostrovets nuclear plant will not be part of the European electricity network;
- (an) adopt a comprehensive infrastructure building plan, including border crossings, and support the implementation of the priority projects as identified in the Indicative TEN-T and other Investment Action Plans with the aim of improving transport, energy and digital connectivity between the EU and the EaP countries, and among the EaP countries themselves, while ensuring environmental sustainability during the implementation process; encourage regulatory convergence in the transport sector;
- (ao) urge the EaP countries, in cooperation with the Commission, to fully use the opportunities provided by the trans-European Transport Network (TEN-T) Investment Action Plan; underline the need to better exploit the connectivity potential of the Black Sea and support infrastructure projects, which are crucial for increasing connectivity with the region and with Central Asia; in this regard, acknowledge the strategic geographical location of EaP countries as a link between the European Union, Asia and the wider neighbourhood, which could bring increased value for EU foreign policy engagements;
- (ap) implement the EU's ambitious Central Asia Strategy with the active engagement of EaP countries, as reliable partners enjoying a direct access to this region;

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- (aq) ensure that the MFF confirms the EU's financial support for the infrastructure and investment projects of EaP countries, increasing their resilience to cyberthreats and improving and modernising their education systems; take active measures to improve the absorption capacity of the EaP countries; apply the experience of the Western Balkans Investment Framework to attract and coordinate financial and technical assistance and to increase efficiency of infrastructure projects;
- (ar) prioritise the need for sustainable and credible investments in EaP countries by devising a strategy for long-term engagement, focusing not only on stabilisation alone but also on democratisation;
- (as) extend to other associated partners the approach employed by the EU in its efforts to support the recovery of the Ukrainian economy, including by means of tailored and flexible macrofinancial assistance and instruments and engagement and coordination of international financial institutions and donors, and by improving the environment for foreign direct investment (FDI), taking into account social, labour and environmental rights; make the promotion of FDI from the EU a key aspect of the EaP policy and develop an action plan for this purpose, with the aim of further improving the business environment and guaranteeing legal certainty;
- (at) support greater diversification and competitiveness of the economies of EaP countries, through reinforced support for SMEs as well as demonopolisation, deoligarchisation and privatisation, by strengthening and widening the scope, geographical coverage and relevance to the recipients' needs of programmes such as EU4Business; in particular, lend to SMEs in local currencies, develop new initiatives designed to attract venture capital into the EaP countries, and provide continuous support for the development of export-oriented industries;
- (au) address the rural-urban divide in the EaP countries through effective financial and technical incentives for micro-, small and medium-sized enterprises (MSMEs), small-scale farmers and family enterprises in rural and suburban areas, and through the improvement of human connectivity and infrastructure between cities and countryside with a view to fostering social cohesion;

### ***Boosting human capital***

- (av) support increased labour mobility between the EU and EaP countries, as well as among the EaP countries, with a strong focus on the legality and sustainability of the process, allowing for exchange of skills and experience and avoiding brain drain and local labour shortages; in this regard, take full stock of the successful implementation of visa-free regimes with the three associated countries;
- (aw) take into account the challenges posed to EaP countries by brain drain and address them by promoting quality and inclusive education, vocational training and other training programmes, and creating job opportunities with a view to providing socio-economic perspectives for young people and families in their local communities;
- (ax) cope with the effects of depopulation and migration in EaP countries by involving them in the European Agenda on Migration;
- (ay) support and launch country-based action plans to combat unemployment and tackle social and regional inequalities; invest in youth, foster entrepreneurship and create new programmes and incentives for young professionals to return to the labour markets of the EaP countries;
- (az) encourage EaP countries to pursue comprehensive labour policy reforms in order to improve working conditions and workers' rights; develop an action plan to fight undeclared work, support the creation of fully-fledged trade unions, and call for ILO conventions to be transposed into national law and implemented;

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- (ba) address the shortcomings in the implementation of the commitments with regard to social policies and labour rights and protect the EU labour market from social dumping; control not only the transposition of relevant EU directives and norms into national law, but also their actual implementation; together with the EaP countries, create a monitoring scheme for fundamental labour rights involving trade unions and civil society organisations; use the disbursement of macrofinancial assistance as a leverage or conditionality to force EaP countries to improve labour conditions;
- (bb) support educational reforms in those EaP countries that are willing, since this is key for their future, with the aim of addressing shortfalls between the reform of education systems and labour market demand, and promote vocational training, among other measures; acknowledge the importance of cross-border mobility in strengthening people-to-people contacts, expand funding for and the participation of the EaP countries in educational and professional skills-boosting and exchange programmes such as Erasmus+ and Creative Europe, and strengthen the capacity of EaP countries to participate in Horizon Europe;
- (bc) strengthen academic and educational cooperation among the EU and EaP countries, including intra-EaP cooperation, by: (i) launching a regional programme supporting centres of academic and research excellence in the region; (ii) establishing the Eastern Partnership University in Ukraine; (iii) creating targeted EaP programmes in specialised universities and an electronic educational platform for online training courses focused on European values and the rule of law, good governance, public administration and eradication of corruption in the EaP countries; and (iv) providing a venue for joint training for EaP countries' public officials, including at the level of local and regional authorities;
- (bd) launch a pilot project aimed at establishing the Eastern Partnership Open Science and Innovation Centre, a network of thematic centres of competence located in each EaP country to provide R&I support and services;
- (be) ensure that all EU support programmes include a consistent gender equality and human rights dimension, address and target the most disadvantaged and vulnerable groups in society, including ethnic and other minorities, such as Roma, refugees and internally displaced persons from areas experiencing violent conflicts; reinforce initiatives for those groups' political and socio-economic empowerment and improving their access to education, healthcare and decent housing;
- (bf) ensure that the EU assistance and programmes reach the local level, including in the remote parts of the EaP countries, in particular rural areas, so as to enable the inhabitants to push for positive changes in their communities, in particular those more vulnerable to post-Soviet sentiments and Russian manipulation;
- (bg) insist strongly on non-discrimination with regard to all LGBTI+ people, their protection against discrimination in law and the prosecution of all acts of abuse, hate speech and physical violence perpetrated against them; acknowledge the associated EaP countries that have aligned their legal framework accordingly;
- (bh) support freedom of belief, opinion and expression and the right to information in the native language of all citizens; condemn and counter hate speech and discrimination based on ethnicity or language, as well as fake news and misinformation targeting ethnic and national minorities;
- (bi) ensure the fundamental right of freedom of religion or belief by protecting and promoting the rights of all religious components present in the region, on the basis of the concept of full and equal citizenship;
- (bj) strengthen dialogue and cooperation with churches and religious communities and organisations in areas such as peace-building and reconciliation, thus reinforcing trust in a just and free society, as well as in education, healthcare and basic social services;

***Security, stability, territorial integrity and conflict resolution***

- (bk) recognise that through its political, cultural and economic investment in the EaP countries the EU invests in the security and stability of the region;



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- (bl) acknowledge the increased security interdependence between the EU and EaP countries, as well as the importance of security, stability and peace for the future development of the EaP countries, considering that in recent years they have been subject to the interest and ambition of third countries, such as China, Turkey or some Gulf states, which do not necessarily share the values and interests of the EU; therefore, boost EU-EaP cooperation in security and defence by devoting particular attention to the peaceful resolution of regional conflicts and the prevention and resolution of the new types of challenges, such as hybrid threats, cyberattacks, including election cyber-meddling, disinformation and propaganda campaigns, and third-party interference in the political, electoral, and other democratic processes; strengthen cooperation and support in respect of the EaP countries' resilience against corruption, money laundering, terrorism and organised crime in general, and underline the need to strengthen the resilience of individuals, communities and state institutions;
- (bm) reiterate the EU's commitment to the sovereignty, territorial integrity and political independence of the EaP countries within their internationally recognised borders, and support their efforts to fully enforce those principles; underline the importance of the unity and solidarity of the Member States in this regard;
- (bn) strongly condemn the continued violations of fundamental principles and norms of international law in the EaP region, notably destabilisation, invasion, the occupation and annexation of territories of several EaP countries by the Russian Federation and its refusal to comply with the decisions of international tribunals and courts; establish a more coordinated policy towards the Russian Federation among the EU Member States, in particular in terms of engagement on issues concerning the EaP countries;
- (bo) call for the immediate withdrawal of foreign troops from all occupied territories and for an end to military hostilities, which unnecessarily claim the lives of civilians and soldiers while hampering socio-economic development, thus enabling hundreds of thousands of internally displaced people (IDPs) to return to their homelands;
- (bp) develop a more active role for the EU, represented by the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, in the peaceful resolution of the ongoing conflicts and in the prevention of any future conflicts in its Eastern neighbourhood, while acknowledging the agreed negotiating formats and processes, such as the Geneva International Discussions, the OSCE Minsk Group, the Normandy Format and the 5 + 2 Talks; appoint an EU Special Envoy for Crimea and the Donbas region;
- (bq) continue promoting an environment conducive to the settlement of conflicts and supporting activities that promote confidence and people-to-people contacts across conflict-divided communities; prioritise efforts and expand funding for pre-emptive peace-building, including preventive diplomacy, as well as early warning and action mechanisms;
- (br) reaffirm its support for the efforts of the co-Chairs of the OSCE Minsk Group to resolve the Nagorno-Karabakh conflict and for their 2009 Basic Principles, with a view to achieving a solution based on the norms and principles of international law, the UN Charter and the OSCE 1975 Helsinki Final Act; encourage all sides to intensify dialogue and to refrain from inflammatory rhetoric that would further jeopardise any prospects for settlement;
- (bs) take action to ensure effective activities and the execution of a full mandate for the following existing EU missions in the EaP region, including coordination of their activities: the EU Monitoring Mission in Georgia, the EU Advisory Mission in Ukraine, the EU Border Assistance Mission to Moldova and Ukraine, and the mission of the EU Special Representative for the South Caucasus and the crisis in Georgia;
- (bt) take into consideration the calls made by the Ukrainian Government for an extended international peacekeeping force to be stationed along the Ukraine-Russia border and in the Luhansk and Donetsk districts; once the situation permits and as part of the full implementation of the Minsk Agreements, an EU-led CSDP mission should be offered for deployment to the parties to the conflict, to assist in tasks such as demining, preparations for local elections and securing free access for humanitarian aid organisations;

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- (bu) support freedom of navigation and strongly oppose the blockade of the Azov Sea and the continued creeping annexation of the Black Sea by the Russian Federation;
- (bv) acknowledge the unique experience and expertise of EaP countries; recognise the contribution of the EaP countries to the EU common security and defence policy (CSDP) missions, battlegroups and operations; continue supporting the Security Sector Reform (SSR); deepen cooperation in EU-related defence policies, including participation in PESCO once the issue of participation of third countries is resolved;
- (bw) acknowledge that cybersecurity is one of the areas where the EU and the EaP countries can work together more effectively and the EU can take advantage of the experience of EaP countries in combating hybrid or cybersecurity threats; establish a formal cyber dialogue with the interested EaP countries and promote cooperation platforms between the countries in the EaP region in order to address hybrid threats more effectively with a view to strengthening the resilience of those countries, especially following the large-scale cyberattack of the Russian Federation against Georgia in October 2019;
- (bx) condemn the influence of third countries in undermining the democratic order of the EaP countries, as well as influencing elections, disseminating disinformation and operating targeted disinformation campaigns;
- (by) enhance cooperation in building the societal and institutional resilience of the EaP countries with a stronger focus on countering disinformation, propaganda, manipulation and hostile influencing carried out by external forces aiming at dividing and destabilising the EaP countries, as well as undermining the integrity of their political processes and their relations with the EU; assist interested EaP countries in the activities carried out at the EU level to tackle the above-mentioned hostilities, including the implementation of good practices and solutions, such as the Action Plan against Disinformation and the EU Code of Practice on Disinformation, and by using the expertise of the Helsinki European Centre of Excellence for Countering Hybrid Threats, the Riga NATO StratCom Centre of Excellence and the EU East StratCom Task Force;
- (bz) promote integrated border management and cooperation between the EU and associated countries, and advance law enforcement cooperation;
- (ca) welcome further cooperation between the EU and EaP countries with the aim of promoting international stability and security, in line with the EU's Global Strategy, and propose new forms of voluntary cooperation in the field of security and defence, considering it an area of ambition in the coming future as the EU will aim gradually to create the European Defence Union;
- (cb) promote R&D and industrial cooperation in the development of armaments and military technologies and capabilities among the EU Member States and the EaP countries;
- (cc) acknowledge that any lack of EU presence or inaction vis-a-vis its EaP partners will create space for other global players to step in; increase cooperation or create a forum with like-minded democratic allies and international actors to mitigate and counteract the negative influence of third-country powers in the EaP region;

***Local and regional authorities and civil society***

- (cd) acknowledge the contribution of EaP civil society actors and organisations to democratisation and reform processes in their countries and the whole EaP region, and call for greater openness and engagement towards them from the governments of the EaP countries, and particularly a more meaningful and effective involvement in the policymaking processes;
- (ce) continue a wide-ranging dialogue with the EaP civil society actors and enhance the EU's support for the activities of democratically oriented civil society organisations by promoting their activities and safety and by safeguarding their working environment;

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- (cf) increase the EU's efforts to strengthen its engagement and support for grassroots initiatives in regions and rural areas in order to develop civil society's organisational and monitoring capacities and local democratic practices;
- (cg) strengthen EaP civil society's ability to act as a watchdog for reform and to hold the respective state institutions to account, by cutting red tape and securing its presence in trilateral meetings, including in all Human Rights Dialogues and Association and Cooperation Council meetings;
- (ch) foster cooperation among the EaP countries' civil societies by establishing a regional centre to increase competences and exchange best practices and working approaches, as part of the new project of the Eastern Partnership University in Ukraine;
- (ci) continue providing structural, financial and capacity development support to organisations that assist independent pro-democracy civil society actors; insist that EU, Member State, and independent programmes in support of democracy, human rights and the rule of law, including the European Endowment for Democracy, must continue to operate freely and without harassment or judicial limitations; take all possible measures to prevent independent NGOs from being crowded out through the imposition of judicial limitations and financial barriers, the selective application of legal provisions, or the enhanced presence of government-organised NGOs (GONGOs);
- (cj) raise awareness about attacks on civil activists in EaP countries by extremist forces and also by state authorities, which undermine EU values, international human rights standards and joint obligations to the ECHR;
- (ck) scale up the EU's support and initiatives to strengthen and enable the local authorities and their associations to implement national reforms at a local level; promote the role of local authorities as policymakers and decision-makers, and encourage regular exchanges between central and local governments on reform agendas with the active and inclusive participation of civil society and other relevant stakeholders;
- (cl) develop country roadmaps and indicators for engagement with local and regional governments, following the examples of similar engagement with civil society;
- (cm) extend the representation in EaP policy formulation and implementation of the Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP), and increase its capacities to support local and regional authorities in substantial actions; develop, in cooperation with CORLEAP and the European Committee of the Regions, a capacity-building programme for local and regional governance in the EaP countries, which would include taking systematic steps to strengthen the role of local and regional authorities;
- (cn) encourage the substantial participation of EaP citizens in EU-financed projects and their ownership, in accordance with a bottom-up approach based on EU values and standards;

#### ***Better media, communication and policy management***

- (co) acknowledge that the lack of a proper communication and information campaign in the midst of the disinformation wave to which the EaP countries are exposed might result in a loss of the EaP's decade-long effort, investment and achievements; therefore step up strategic communication efforts and, in an open dialogue with citizens, increase the visibility of the support provided by the EU in the EaP countries, at both national and local level; to this end, reach out to people in small communities and rural areas, business and community leaders, diasporas and national minorities, beyond already EU-minded cohorts;
- (cp) counteract anti-EU disinformation and propaganda by boosting EU and EaP citizens' information resilience and awareness about the EaP and the opportunities and benefits it provides, particularly those deriving from a close political and economic cooperation between the EU and the EaP countries, and from the AA/DCFTA implementation, linking them to economic growth and increased trade;

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- (cq) use more efficiently the existing EU structures, such as the EEAS East StratCom task force, to identify and respond to disinformation and propaganda campaigns undermining the EU-EaP countries' relationship and its goals;
  - (cr) strengthen the EU Delegations in the EaP countries and enable them to assist the EaP countries in completing the reforms and to more effectively communicate how the EU is helping citizens there; develop more horizontal links and foster cooperation among the EU Delegations, and encourage regular exchanges of information and expertise and other successful working approaches;
  - (cs) ensure a more active role for EU liaison offices in Member States in promoting the importance of EaP countries for the European project;
  - (ct) improve information-sharing among the EU institutions, especially the Commission and the EEAS, and preserve institutional memory, particularly about the support provided and the technical assistance projects implemented, in order to build on their results when launching new projects and programmes;
  - (cu) capitalise on the Young Ambassadors programme and the Eastern Partnership Civil Society fellowships, by establishing an active alumni network on the basis of existing successful models;
  - (cv) promote free media and freedom of expression as a fundamental principle, and therefore support a democratic, independent, pluralistic and balanced media landscape in the EaP countries which ensures protection of local journalists, opinion makers and dissident voices from harassment and intimidation, allows non-discriminatory access to online and offline information and meaningful civic participation, and safeguards and guarantees human and civil rights;
  - (cw) step up the support in the local fight against fake news, hybrid warfare in communication and degradation of media programmes, which can undermine the fight against corruption, and against the dissemination of false information in order to obtain economic or political advantages; sustain the development of actions to ensure full transparency of media ownership; constantly help and monitor the local official regulatory agency in every EaP country;
  - (cx) support programmes and reforms concerning media and information literacy to reflect the current digital age;
  - (cy) promote the broadcasting of European media productions in the EaP countries as well as EaP countries' productions in the EU, in order to bridge the differences provoked by history and by the fake information delivered in the last decades; support local media outlets in obtaining access to European media programmes and initiatives for close collaboration between media outlets from the EU and EaP;
  - (cz) denounce the misuse of pandemic-related measures by the authorities as a means to silence the political opposition, civil society and the media by restricting their legitimate rights;
  - (da) reinforce and, where possible, increase the EU's and EaP countries' common efforts in the field of people-to-people contacts and exchanges in order to build mutually positive images among the population and make good use of the pro-European sentiment among the EaP citizenry;
  - (db) promote inclusive and participatory platforms for dialogue and cooperation bringing together stakeholders across different sectors and levels, including policymakers, economic actors, academics and civil society, as well as churches, religious communities and citizens with fewer opportunities, with the goal of countering polarising and extremist tendencies in politics and society, as well as the impact of disinformation and propaganda campaigns;
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.
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**Western Balkans, following the 2020 summit****European Parliament recommendation of 19 June 2020 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 Western Balkans, following the 2020 summit (2019/2210(INI))**

(2021/C 362/14)

*The European Parliament,*

- having regard to the European Council conclusions of 28 June 2018, the Council conclusions of 18 June 2019 and the European Council conclusions of 17-18 October 2019 postponing the decisions on opening accession negotiations with North Macedonia and Albania,
- having regard to the Zagreb Declaration of 6 May 2020,
- having regard to the Final Agreement for the Settlement of the Differences as described in UN Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995 and the establishment of a Strategic Partnership on 17 June 2018 between Greece and North Macedonia, also known as the Prespa Agreement,
- having regard to the European Council conclusions of 26 March 2020 on opening accession negotiations with North Macedonia and Albania, which endorsed the Council conclusions of 25 March 2020 on enlargement and stabilisation and association process,
- having regard to the Commission communication of 5 February 2020 entitled 'Enhancing the accession process — A credible EU perspective for the Western Balkans' (COM(2020)0057),
- having regard to the Commission communication of 29 May 2019 on EU enlargement policy (COM(2019)0260),
- having regard to the Commission communication of 6 February 2018 entitled 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans' (COM(2018)0065),
- having regard to the EU Global Strategy of 2016, which specifies that a credible enlargement policy represents a strategic investment in Europe's security and prosperity, and has already contributed greatly to peace in formerly war-torn areas,
- having regard to the Commission communication of 16 October 2013 entitled 'Enlargement Strategy and Main Challenges 2013-2014' (COM(2013)0700),
- having regard to the renewed consensus on enlargement approved by the European Council in December 2006 and subsequently endorsed in the European Council conclusions of June 2019,
- having regard to the Final Declaration of the Zagreb Summit of 24 November 2000,
- having regard to the EU-Western Balkans Summit Declaration of Thessaloniki, of 21 June 2003, concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to the Sofia declaration of the EU-Western Balkans summit of 17 May 2018 and the Sofia Priority Agenda annexed thereto,
- having regard to the Berlin Process, launched on 28 August 2014, and in particular to the declaration of the Western Balkans Foreign Ministers on regional cooperation and bilateral disputes of 27 August 2015, and the establishment of the Regional Youth Cooperation Office (RYCO), with further summits being held in Vienna (2015), Paris (2016), Trieste (2017), London (2018) and Poznan (2019),

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- having regard to the conclusions of the General Affairs Council of 29-30 April 1997 on the application of conditionality with a view to developing a coherent EU strategy for relations with the countries of the region,
  - having regard to the joint statement of the Foreign Ministers of 13 EU Member States of 11 June 2019 on the EU commitment to the Western Balkans' European integration,
  - having regard to the joint declaration of the European Parliament-Western Balkans Speakers' Summit, convened by the President of the European Parliament with the leadership of the Western Balkan parliaments on 28 January 2020,
  - having regard to the informal meeting of 16 February 2020 which brought together the leaders of the Western Balkan countries, the President of the European Council, the President of the European Commission, the High Representative for Foreign Affairs and Security Policy and the Prime Minister of the Republic of Croatia presiding the Council of the European Union,
  - having regard to the resolution of the European Economic and Social Committee of 31 October 2019 entitled 'Opening accession negotiations with North Macedonia and Albania: EU credibility and geostrategic interests should be upheld' <sup>(1)</sup>,
  - having regard to the opinion of the European Committee of the Regions on the Enlargement package 2019, adopted on 13 February 2020 <sup>(2)</sup>,
  - having regard to its resolution of 9 July 2015 on the Srebrenica Commemoration <sup>(3)</sup>,
  - having regard to its legislative resolution of 27 March 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III) <sup>(4)</sup>,
  - having regard to its resolution of 24 October 2019 on opening accession negotiations with North Macedonia and Albania <sup>(5)</sup>,
  - having regard to its resolution of 15 January 2020 on the European Parliament's position on the Conference on the Future of Europe <sup>(6)</sup>,
  - having regard to the Council conclusions of 5 June 2020 on enhancing cooperation with Western Balkans partners in the field of migration and security,
  - having regard to the Commission communication of 29 April 2020 entitled 'Support to the Western Balkans in tackling COVID-19 and the post-pandemic recovery' (COM(2020)0315),
  - having regard to Rule 118 of its Rules of Procedure,
  - having regard to the letter from the Committee on International Trade,
  - having regard to the report of the Committee on Foreign Affairs (A9-0091/2020),
- A. whereas enlargement is one of the EU's most successful and strategic policies as well as the most effective foreign policy instrument contributing to extending the reach of the Union's core values of respect for human dignity, freedom, democracy, fostering peace and prosperity equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities across Europe;

<sup>(1)</sup> OJ C 47, 11.2.2020, p. 15.

<sup>(2)</sup> CDR 2727/2019.

<sup>(3)</sup> OJ C 265, 11.8.2017, p. 142.

<sup>(4)</sup> Texts adopted, P8\_TA(2019)0299.

<sup>(5)</sup> Texts adopted, P9\_TA(2019)0050.

<sup>(6)</sup> Texts adopted, P9\_TA(2020)0010.



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- B. whereas the enlargement process is an integral part of European integration and remains strategically important to the European Union;
- C. whereas the merit-based prospect of full EU membership for the Western Balkan countries is in the Union's own political, security and economic interests;
- D. whereas the prospect of EU membership constitutes recognition of a major geopolitical challenge for the unification of the European continent and a fundamental incentive for reforms in the Western Balkan countries;
- E. whereas the Western Balkan countries are geographically, historically and culturally part of Europe and the process of integrating them into the European Union is of key importance for the stability and security of the continent as a whole, free and at peace;
- F. whereas the EU's enlargement process is a two-way street on which both sides have to uphold their commitments and is built on the premise of delivering on obligations by both the European Union and the candidate countries;
- G. whereas the enhanced methodology proposed by the Commission aims at injecting new dynamism into the enlargement process and provides a new impetus for the transformation of accession countries;
- H. whereas the EU is the leading investor, trading partner and donor in the region;
- I. whereas the European Parliament in its resolutions welcomed the progress achieved by North Macedonia and Albania; whereas given this progress, Parliament agreed to the granting of the performance reward under the Instrument for Pre-Accession Assistance to North Macedonia and Albania;
- J. whereas the 2020 Zagreb Summit recognised the primacy of democracy and the rule of law and called on the EU to further intensify its engagement with the region;
- K. whereas the European Parliament deplored the failure of the European Council to agree in 2019 on opening accession talks with North Macedonia and Albania; whereas this failure following the Commission's recommendations of 2018 and 2019, which were endorsed by Parliament, eroded the credibility of the European Union, contributed to the rise of populism, nationalism and Euroscepticism, undermined efforts made by candidate countries, risking the creation of a political vacuum, and emboldened third-party actors seeking to establish political influence in the region to the detriment of the EU integration process;
- L. whereas the enlargement process fosters and strengthens capacities to resolve bilateral disputes and strives for reconciliation between societies in the region;
- M. whereas the Western Balkan countries should increase efforts to overcome political polarisation and protracted parliamentary boycotts in order to strengthen parliamentary oversight;
- N. whereas the European Parliament remains a reliable partner of countries in the EU accession process and an advocate of the enlargement process as a positive mechanism of the European Union to stimulate reforms aimed at the institutional and socio-economic strengthening of those countries for the benefit of their citizens;
- O. whereas the Thessaloniki Agenda and the Sofia Declaration highlighted that special emphasis will be placed on creating further opportunities for youth, while ensuring that this contributes to the socio-economic development of the Western Balkans;
- P. whereas the European Parliament is committed to intensifying political and institutional support for democratic and economic reforms in the region and assisting the Western Balkan countries in the process of EU accession;

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- Q. whereas the Political Guidelines of the Commission 2019-2024 reaffirm the European perspective of the Western Balkans;
- R. whereas during their hearings in the European Parliament both Vice-President/High Representative Borrell and Commissioner Várhelyi committed to prioritising the enlargement process, undertaking to accelerate structural and institutional reforms and integration processes in the Western Balkans;
- S. whereas an ambitious enlargement policy requires an adequate budget; whereas the Council should provide for sufficient budgetary means in support of the enlargement policy;
- T. whereas the EU also needs to strengthen the rule of law mechanisms inside the Union and establish an ambitious agenda for the Future of Europe conference;
- U. whereas the prosperity and security of Europe are closely linked to the integration process and the advancement of peace, democracy, respect for human rights and the rule of law in the Western Balkans region and its countries' future in a strong and reformed EU;
- V. whereas in its communication of 5 February 2020, the Commission undertook to present a communication defining actions on bringing forward fundamental reforms including on the rule of law;
- W. whereas the EU has mobilised EUR 3,3 billion to address the coronavirus pandemic in the Western Balkans, including EUR 38 million in immediate support to the health sector, EUR 389 million for the social and economic recovery, EUR 750 million for macro-financial assistance, EUR 455 million for economic reactivation and EUR 1,7 billion in preferential loans from the European Investment Bank;
- X. whereas the Western Balkan countries have benefited from the EU Civil Protection Mechanism, the joint procurement of medical equipment, exemptions from the EU's export authorisation scheme for personal protective equipment, and the 'green lanes' for essential goods;
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 support the European perspective of the Western Balkan countries and to enhance the accession process by ensuring that it strengthens fundamental values and the rule of law and brings sustainable democratic, economic and ecological transformation and social convergence, and ensures good neighbourly relations and regional cooperation as essential elements of the enlargement and the Stabilisation and Association Process, and by making sure that enlargement of the Union continues in parallel with the discussions on the future of Europe and the internal reform of the EU;
  - (b) to increase efforts to build political will among the Member States in progressing with the enlargement to the Western Balkans instead of letting internal EU processes stand in the way, as well as improving the EU's political and strategic guidance of overall policy in the region;
  - (c) to maintain enlargement as a necessary condition for the EU's credibility, success and influence in the region and beyond;
  - (d) to accelerate the accession process of the countries committed, both politically and administratively, to the implementation of EU-related reforms;
  - (e) to ensure that the enhanced methodology sustains fully-fledged EU membership as the final goal and that the EU sets more predictable rules and criteria based on conditionality and reversibility and applies them consistently, making the accession process more dynamic and thus restoring its credibility by applying the revised methodology;

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- (f) to ensure that the stronger emphasis on the political nature of the process, as presented in the revised enlargement methodology proposal by the Commission, does not supersede evaluations of completion of benchmarks at the expert level or hinder the EU's commitment to a merit-based enlargement process;
- (g) to ensure that the grouping of policy areas enhances the depth, quality and sustainability of reforms, bringing concrete results in the accession countries while enabling simultaneous negotiations on different chapters;
- (h) to provide clear, transparent and consistent accession benchmarks as well as continued political and technical support throughout the process, including for parliaments to ensure their independent oversight roles, and to improve the measuring of progress on the ground, ensuring that each accession country is assessed on the basis of conditionality and the principle of own merits;
- (i) to ensure the continuity, accountability, consistency and predictability of the enlargement process by anchoring the Commission's new methodology as a long-term policy adjustment and avoiding ad hoc revisions of the process and its parameters as a consequence of political considerations of any Member State; to ensure that the accession benchmarks and support are based on lessons learnt in order to avoid shortcomings found earlier and improve the accession process;
- (j) to facilitate the implementation of the enhanced methodology for the accession countries already in negotiations, should they decide to opt in with a view to a meaningful and long-lasting alignment with EU standards and norms;
- (k) to increase political and economic incentives for the Western Balkan countries and improve coherence between the enlargement process and political initiatives in the EU via annual regional meetings on the margins of the European Council with Western Balkans leaders, ensuring the regular participation of Western Balkans representatives in the meetings of the European Council, in the Political and Security Committee and in Commission working groups;
- (l) to encourage the gradual integration of accession countries in EU processes, sectoral policies and programmes prior to their accession, including via targeted financial support through EU funds, in order to bring tangible benefits for citizens, particularly for children and young people, and enhance the EU's pre-accession assistance and presence in those countries prior to their full membership;
- (m) to support an enhanced parliamentary role in the accession process through the established forums and to consistently encourage new initiatives such as the Speakers' Summit, which was convened, for the very first time, by the President of the European Parliament and the leaders of the Western Balkan parliaments on 28 January 2020;
- (n) to facilitate and promote closer association of members of parliament from the countries in negotiations in the work of the European Parliament;
- (o) to engage the representatives of the Western Balkan countries in the Conference on the Future of Europe, with a special focus on youth participation;
- (p) to strengthen the conditionality mechanism and insist on the reversibility of the accession process by applying objective criteria when deciding whether negotiations should be put on hold or suspended; to ensure that the Commission initiates these procedures after a thorough evaluation and in response to a proposal from the Member States or the European Parliament, while also noting that the principle of the imbalance clause and reversibility is already applicable to the current negotiating frameworks for Serbia and Montenegro; to ensure that the conditionality and suspension mechanism is accompanied by a clear communication from the EU institutions on the specifics of a possible suspension;
- (q) to enhance ownership of the enlargement process by Member States by increasing the involvement of experts on the rule of law and other areas from the Member States, as well as of civil society and human rights defenders on the ground, and to improve the measurement of the overall developments by continuing to adhere to the long-standing objective standards and by avoiding politicisation of the technical aspects of the accession process, in particular drawing upon the monitoring reports and recommendations of the Council of Europe and other standard-setting bodies;

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- (r) to recognise that the Berlin Process supports and supplements the EU enlargement policy and cannot be treated either as an alternative to accession or as replicating efforts undertaken as part of the enlargement;
- (s) to recognise that the opening of accession negotiations with Albania and North Macedonia is in the Union's own political, security and economic interests;
- (t) to recognise that the European Council's failure to open accession negotiations with Albania and North Macedonia, in June 2018, June 2019 and October 2019, had a detrimental effect on the EU's role in the region and on public opinion regarding EU accession, sending a negative message to the Western Balkan countries, and to acknowledge that opening accession talks restores credibility to the process, as recommended by the European Parliament and the Commission;
- (u) to grant visa liberalisation to Kosovo as soon as possible, as the benchmarks have been fulfilled since July 2018;
- (v) to increase the dynamism of the negotiations in order to accelerate the accession of Montenegro and Serbia;
- (w) to bring the primacy of democracy, the rule of law, human rights and fundamental freedoms back to the very centre of the enlargement process by opening first and closing last the chapters related to the judiciary, corruption and organised crime, as well as those covering respect for human rights, including minority rights, media freedom and freedom of expression;
- (x) to focus on institutional and administrative capacity building in order to reinforce transparency and the effectiveness of good governance at all levels;
- (y) to use experience of recent enlargements, including lessons learnt from Central European countries;
- (z) to continue working together with the Western Balkan countries on countering terrorism and organised crime;
- (aa) to ensure targeted focus on state capacity-building, implementation of court rulings, judicial reforms and efforts to combat corruption and organised crime;
- (ab) to insist on the respect and full implementation of domestic and international court rulings, including those of constitutional courts and all rulings of the European Court of Human Rights, the International Criminal Tribunal for the former Yugoslavia (ICTY) and its successor the International Residual Mechanism for Criminal Tribunals (IRMCT), and the Kosovo Specialist Chambers (SC) and Specialist Prosecutor's Office (SPO), as well as the recommendations of the Council of Europe monitoring bodies, including the European Commission against Racism and Intolerance (ECRI);
- (ac) to urge the Western Balkan countries to comply with their international obligations in the prosecution of war crimes and the determination of the fate of missing persons; to advocate full cooperation with the IRMCT, the Kosovo SC and SPO and the explicit upholding of the work and the findings of ICTY, as well as the promotion and dissemination of its work and legacy to citizens; to condemn all attempts to glorify war criminals and to deny historical facts and to support, in this respect, the Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia (the RECOM initiative);
- (ad) to increase EU engagement in solving outstanding bilateral issues, promoting good neighbourly relations and regional cooperation through confidence-building and mediation efforts, and to urge the Western Balkan countries to commit to reconciliation and peaceful solutions to longstanding disputes;
- (ae) to strengthen the accession process with a view to deepening solidarity between the peoples of the Western Balkan countries and the Member States, while respecting their history, culture and traditions;

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- (af) to support the newly appointed EU Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues in achieving comprehensive normalisation of relations between Serbia and Kosovo and advancing good neighbourly relations in the region during his mandate;
- (ag) to promote wider support in society for regional reconciliation by inter alia supporting full engagement of parliaments in the Belgrade-Pristina Dialogue and in pursuing sustainable regional reconciliation;
- (ah) to reinforce and, where possible, increase the common efforts by EU and Western Balkan countries to foster people-to-people contacts and exchanges in order to build mutually positive images of each other among their respective populations;
- (ai) to foster the creation of a level playing field for inclusive political environments and to facilitate efforts in all Western Balkan countries to overcome political polarisation and protracted parliamentary boycotts; to develop an inclusive and constructive parliamentary culture and to strengthen parliamentary scrutiny and oversight; and to promote a responsible approach towards representing citizens' interests within the parliaments, in order to promote democratic scrutiny and better quality of legislation;
- (aj) to take note of and facilitate the accession-related work and democracy support activities of the European Parliament, including the activities of its standing committees and delegations, and to involve Parliament's standing rapporteurs for the Western Balkan countries in the scrutiny process and on the ground;
- (ak) to foster electoral reforms that ensure free, fair, competitive and transparent elections at central and local levels that are free from intimidation and disinformation campaigns, in line with international standards, including on transparency in party funding, and with the recommendations of international observation missions; to follow up on the implementation of Venice Commission opinions; to contribute to the European Parliament's democracy support programmes in the region;
- (al) to encourage the national parliaments to use the European Parliament's democracy support tools, such as the Jean Monnet Dialogue and the Inter-Party Dialogue, in order to facilitate political work on parliamentary dialogue and to enhance accountability, oversight, democratic scrutiny and the quality of legislative work;
- (am) to strengthen and closely associate civil society in its role as an indispensable actor in the processes of democratic consolidation, regional cooperation and accession-related reforms, with a focus on pro-European and pro-democratic forces in the region;
- (an) to ensure that the citizens and societies of candidate countries are more closely associated with and benefit from the accession process; to give particular support and encouragement, in this framework, to pro-European and pro-democratic segments of society, views and opinions;
- (ao) to make sure that each step taken includes a substantial and comprehensive dialogue with civil society organisations, academia and youth from the early stage of decision-making to the implementation and evaluation phase, taking special care not to support or finance existing local anti-European power structures or local structures of dubious democratic reputation, and thereby fostering the development of EU values, the rule of law, the fight against corruption and the building of strong and efficient democratic institutions as the foundation for a successful accession to the EU;
- (ap) to strongly condemn smear campaigns, threats and intimidation against journalists and media outlets and to insist on the investigation and prosecution of such offences, thus enabling a safe environment for journalists, while tackling the issues of concentration, political and economic pressure on the financing of the media and lack of transparency of media ownership;
- (aq) to actively support and strengthen a democratic, independent and diverse media landscape, as well as media accountability and governance;

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- (ar) to increase support measures fostering resilience against disinformation and disruptive media campaigns, including those conducted through foreign influence operations seeking to undermine democratic processes and the sovereignty of the Western Balkan countries as well as the role of the EU in the region by means of hybrid warfare;
- (as) to promote and actively support the implementation of anti-discrimination policies and to insist on the prosecution of hate crimes; to encourage swifter progress towards gender equality and in tackling discrimination and ensuring social inclusion of ethnic, national and religious minorities, people with disabilities, Roma and LGBTQI+ people, with special attention to children, by establishing inclusive policies to protect the fundamental rights of citizens;
- (at) to call for a stronger legal framework to prevent and actively fight femicide and violence against women and children and other forms of domestic violence, including by recalling the obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence, and by undertaking the necessary steps for its ratification; to prevent and combat trafficking in human beings;
- (au) to acknowledge the difficulties Western Balkan countries face in managing migration and refugee flows and the substantial efforts the region has made to provide shelter and humanitarian supplies, primarily with the support of the EU; to ensure efficient implementation of the status agreements between Western Balkan countries and the European Border and Coast Guard Agency (Frontex);
- (av) to underline the significance of the contribution of the Western Balkan countries to the protection of the European Union's external border and to intensify European support to border management in the region; to strengthen the capacity of the asylum system in the region in cooperation with the European Asylum Support Office (EASO) and the Office of the United Nations High Commissioner for Refugees (UNHCR);
- (aw) to emphasise the crucial importance of the social dimension and of socio-economic cohesion and its key role throughout the accession process;
- (ax) to focus more on the eradication of poverty, support for civil society and the implementation of the commitments in the area of labour law;
- (ay) to encourage the Western Balkan countries to raise the standard of their labour and social rights, to promote growth and implement the EU's social *acquis*, and to include a wide range of stakeholders such as trade unions, chambers of commerce and chambers of labour in the negotiation process with EU partners;
- (az) to tackle the brain drain with concrete measures such as promoting quality educational reforms of an inclusive nature, especially in the area of vocational education and training (VET), ensuring that the education sector better matches requirements in the labour market and contributes to the creation of long-term and sustainable job opportunities for young people;
- (ba) to support the regional dialogue platform 'Bridging the Gap' under the European Parliament's Young Political Leaders Programme, in the effort to eliminate the gap between youth policy, youth participation and parliamentarians in the Western Balkans, and to encourage concrete actions to enhance youth participation in politics and the implementation of youth-centred policies throughout the region;
- (bb) to promote opportunities in volunteering and civic engagement for young people and to invest more in the region's young people by increasing the participation of the accession countries in existing mobility programmes, such as Erasmus+, Creative Europe and Horizon 2020 and establishing new programmes for intraregional mobility;
- (bc) to strengthen cooperation in the fields of science, research and innovation via dedicated European Commission programming;



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- (bd) to intensify assistance to the Western Balkan countries with a view to improving their environmental, energy efficiency and climate laws and ensuring that they have the capacity to implement them in line with EU standards and the Paris Agreement, including by fully and swiftly implementing their international obligations under the Energy Community Treaty with regard to the full alignment and implementation of the energy *acquis* of the Union;
- (be) to call on the authorities to take urgent measures for the monitoring, mitigation and prevention of air and water pollution; to ensure *ex ante* strategic environmental assessments and environmental impact assessments in order to secure sustainable hydropower and tourism development, balanced with conservation efforts;
- (bf) to facilitate regional energy integration, increasing diversification and security of supply sources, and to enhance connectivity of the energy infrastructures and digital networks;
- (bg) to encourage the necessary energy transition to cleaner renewable energy sources and away from coal and lignite, which cause serious social and health risks to local populations and neighbouring countries; to include the Western Balkan accession countries in the European Green Deal and Just Transition Fund processes;
- (bh) to recall that the EU is the largest foreign investor in the region, having invested EUR 12,7 billion in foreign direct investment between 2014 and 2018; to put in place a strategic economic and investment plan with a view to improving competitiveness, the legal and business environment, the situation of SMEs and sustainable development in the whole region in line with the commitments made under the Paris Agreement and the European Green Deal, while noting that growth in the Western Balkans is slowing down after a short-lived revival in investment in previous years and that the contribution of investment and of exports to growth is fading;
- (bi) to promote and enhance regional economic integration in the Western Balkans, as already implemented within the framework of the Central European Free Trade Agreement (CEFTA) and modelled on the EU *acquis*, and to actively support economic integration between the EU and the region by extending EU policies and the internal market to the Western Balkan countries when the preconditions have been met;
- (bj) to support initiatives based on the Multiannual Action Plan for a Regional Economic Area (MAP REA) adopted by the prime ministers of the Western Balkan countries at the 2017 Trieste summit, comprising four pillars — trade, investment, mobility and digital integration — which are crucial for the economic development of the region and to accelerating convergence with the EU;
- (bk) to support cooperation of the Western Balkans countries with regional and international organisations such as the Regional Cooperation Council (RCC), the Regional Youth Cooperation Office (RYCO), the Organisation for Economic Cooperation and Development (OECD), and with international financial institutions such as the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB);
- (bl) to continue supporting and providing the assistance needed as soon as possible to accomplish the processes of Serbia and Bosnia and Herzegovina's accession to the World Trade Organisation (WTO), welcoming their WTO membership applications which were lodged in 1999 and 2005 respectively, and recalling the importance of WTO membership for opening up trade opportunities and bringing candidate countries closer to EU membership;
- (bm) to defend the interests of the Union by mitigating the negative effect of free-trade agreements with the Eurasian Economic Union signed by countries which have applied for membership of the European Union and which have been granted the opportunity of a Stabilisation and Association Agreement with the European Union, including by reviewing the level of assistance provided to such countries;
- (bn) to encourage regional cooperation in the area of infrastructure development between the countries of the Western Balkans;

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- (bo) to give the region high priority under the EU's Connectivity Strategy, highlighting the importance of improving transport infrastructure in the region, and, in particular, the role this plays in facilitating trade; to support the construction of European rail and road corridors throughout the Western Balkan countries; encourages the Commission to expedite infrastructure investment financing;
- (bp) to bring the people and economies of the region and the EU closer together by embedding the Western Balkan countries in the TEN-T and TEN-E networks, and to assist in ensuring quality and safe transport and energy services and improving infrastructure and overall connectivity within the region, as well as between the region and the EU, in line with the Commission's proposal for a strategic economic and investment plan for the Western Balkans;
- (bq) to accelerate the implementation of the digital agenda for the Western Balkans in order to bring the benefits of the digital transformation to citizens; to assist the countries of the region in improving funding and development opportunities for start-ups and SMEs;
- (br) to establish a predictable timetable and speed up the implementation of a regional roaming free zone and to initiate a further decrease in tariffs for communications with the EU based on increased physical and digital regional cooperation and connectivity;
- (bs) to improve the consistency, efficiency, visibility and transparency of Union financing in the field of external action, thereby advancing the Union's values, the rule of law, the fight against corruption and the building of strong and efficient democratic institutions; to align, where appropriate, the IPA III funding with the objectives of the European Green Deal;
- (bt) to ensure adequate, fair and proportionate, performance-based and results-oriented pre-accession assistance that matches the transformation needs of the beneficiaries and helps them deliver on EU accession obligations; to prioritise specific projects benefiting the people of the countries in question and to enhance the absorption capacity of beneficiaries;
- (bu) to coordinate economic governance issues more closely with international financial institutions (IFIs) and to improve mutual cooperation in order to streamline support efforts and avoid duplication of funding;
- (bv) to strengthen the conditionality between macro-financial assistance and progress in the fight against corruption and respect for the rule of law and human rights;
- (bw) to avoid cuts in the overall IPA funding which could slow down EU-related reforms and undermine the Union's capacity to fulfil its strategic objective of stabilising and transforming accession countries and preparing them for membership obligations, as well as seriously limiting the ability to address multiple challenges related to the rule of law, reconciliation, regional integration and climate change, while leaving the region even more susceptible to the influence of third-country actors; to ensure adequate and continuous support to civil society;
- (bx) to ensure that IPA III is driven by political priorities that through concrete projects have a direct impact on citizens' lives, and that pre-accession funding is allocated in a transparent, proportionate and non-discriminatory manner and is based on solid performance indicators, taking into account the commitment shown and progress made by the beneficiary countries in implementing reforms;
- (by) to reinforce the performance-based approach through a suspension mechanism, ensuring coherence with the Neighbourhood, Development and International Cooperation Instrument (NDICI); to complement the IPA III Regulation with a reformed and improved 'Strategic Dialogue' ensuring that the European Parliament is informed and consulted in a timely manner;
- (bz) to uphold democratic accountability by ensuring the full involvement of the European Parliament in the scrutiny, oversight and strategic steering of the design, programming and monitoring and evaluation of IPA III through delegated acts;

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- (ca) to improve the overall visibility of and information about EU support in the region by strengthening strategic communication and public diplomacy in order to convey the values of the Union and highlight the added value of the EU-funded projects and programmes; to prepare a joint communication strategy in cooperation with the Western Balkan countries; to further develop an understanding of the benefits of the accession and unification process across the European continent;
- (cb) to insist on the progressive alignment of accession countries with the EU common foreign and security policy and common commercial policy;
- (cc) to significantly increase communication concerning the EU aid, in particular concerning the substantial support the EU has provided to the Western Balkans to fight the COVID-19 pandemic, and to ensure that the recipients of this aid do not spread disinformation and negative rhetoric concerning the EU's response to COVID-19;
- (cd) to commend the cooperation of Western Balkan countries in common security and defence policy (CSDP) missions with the EU;
- (ce) to condemn the actions of third countries aimed at destabilising and undermining democratic governance in the Western Balkan region;
- (cf) to continue cooperation in the field of countering hybrid threats, including combating Russian propaganda;
- (cg) to follow up on the 2020 EU-Western Balkans Summit in order to evaluate, reassess and inject new dynamism into the enlargement process and provide a new impetus for the transformation of accession countries;
- (ch) to swiftly implement the revised enlargement methodology for a relaunch of the accession process, and, building upon the Zagreb Western Balkans Summit, to adopt negotiating frameworks and convene intergovernmental conferences aimed at starting accession talks with Albania and North Macedonia;
- (ci) Stresses the 15 conditions, decided by the Council of the European Union, that Albania needs to have fulfilled prior to its first intergovernmental conference with the EU Member States;
- (cj) to sustain cooperation with the United Kingdom in the Western Balkans, taking into account the British ties with the region, as well as common objectives, from the advancement of the rule of law and fighting organised crime to counter-terrorism and other objectives and goals of CSDP missions;
- (ck) to intensify high-level political dialogue through regular EU-Western Balkans summits;
- (cl) to implement the recommendations of the 2019 Thematic Evaluation of EU Support for Rule of Law in Neighbourhood and Enlargement Countries (2010-2017), in addition to the prompt adoption of a Commission communication addressing serious rule of law concerns through a conditionality and reversibility mechanism;
- (cm) to follow up on the significant support provided to all the Western Balkan countries to address the immediate health and humanitarian needs resulting from COVID-19;
- (cn) to continue to support the EU candidate countries and potential candidate countries in the Western Balkans in response coordination and mitigation of the socio-economic consequences of the COVID-19 outbreak, and to align the measures with the EU's common emergency economic package prepared with international financial institutions;

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- (co) to ensure that the current and next generation MFF along with the economic and investment plan for the Western Balkans significantly contribute to the post-COVID-19 recovery, and facilitate economic growth and integration through enhanced and sustainable digital, energy and transport links;
  - (cp) to guarantee that the Economic and Investment Plan for the Western Balkans is not predominantly financed via existing IPA funds, thus potentially absorbing financing for other important policies and programmes; to bring this plan completely in line with the European Green Deal, in particular the EU's decarbonisation target;
  - (cq) to prioritise the Western Balkans in the new External Action Guarantee and the European Fund for Sustainable Development (EFSD+) under the Neighbourhood, Development and International Cooperation Instrument (NDICI); to ensure a twofold increase in the provision of grants through the Western Balkans Investment Framework to support private sector development, connectivity, digitalisation, the green agenda, and social investments, and to substantially increase the financial guarantees for supporting public and private investment in the region through the Guarantee Instrument;
  - (cr) to extend the geographic scope of the European Union Solidarity Fund, which already covers public health crises, to all the Western Balkan countries;
2. Instructs its President to forward this recommendation to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the governments and parliaments of the accession countries.
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## II

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

## EUROPEAN PARLIAMENT

P9\_TA(2020)0132

**Request for waiver of the immunity of Gunnar Beck****European Parliament decision of 17 June 2020 on the request for waiver of the immunity of Gunnar Beck  
(2019/2154(IMM))**

(2021/C 362/15)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Gunnar Beck, forwarded on 29 October 2019 by the German Federal Ministry of Justice and Consumer Protection in connection with Procedure No 80 AR 137/19 and announced in plenary on 25 November 2019,
  - having heard Gunnar Beck in accordance with Rule 9(6) of its Rules of Procedure,
  - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union and to 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 30 April 2019 <sup>(1)</sup>,
  - having regard to Article 46 of the Constitution 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 of the Committee on Legal Affairs (A9-0036/2020),
- A. whereas the Düsseldorf Chief Public Prosecutor has requested the waiver of the immunity of Gunnar Beck, Member of the European Parliament, in connection with a possible investigation into the alleged misuse of titles, a crime established and punishable under Section 132a (1)(1) of the German Criminal Code;

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<sup>(1)</sup> 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; judgment of the General Court of 30 April 2019, *Briois v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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- B. whereas the investigation does not concern opinions expressed or votes cast by Gunnar Beck in the performance of his duties, in accordance with Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
  - C. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of the parliament of that state;
  - D. whereas on the ballot paper for the election of Members of the European Parliament of 26 May 2019, Gunnar Beck was listed as 'Prof. Dr. Gunnar Beck, Hochschuldozent [university lecturer], Barrister-at-Law für EU-Recht [for EU law], Neuss (NW)'; whereas in 1996 Gunnar Beck was awarded a Doctorate in Philosophy in Oxford, Great Britain, while in Germany he obtained the title of neither professor nor doctor; whereas before the constituent part-session of the European Parliament, the Düsseldorf Public Prosecutor's Office launched an investigation on the basis of press reports and criminal complaints into suspected misuse of a title under Section 132a(1)(1) of the German Criminal Code; whereas shortly after 5 July 2019 and presumably on 9 July 2019, the investigation was suspended as a result of the election of Gunnar Beck to the European Parliament; whereas on 4 September 2019 the Düsseldorf Chief Public Prosecutor forwarded a request for the waiver of Gunnar Beck's immunity to the German Federal Ministry of Justice and Consumer Protection with a view to relaunching the investigation into suspected misuse of a title under Section 132a(1) (1) of the German Criminal Code;
  - E. whereas pursuant to Rule 9(8) of the Rules of Procedure, the Committee on Legal Affairs 'shall not, under any circumstances, pronounce on the guilt, or otherwise, of the Member, nor shall it pronounce on whether or not the opinions or acts attributed to the Member justify prosecution, even if the committee, in considering the request, acquires detailed knowledge of the facts of the case';
  - F. whereas in accordance with Rule 5(2) of the Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;
  - G. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
  - H. whereas in this case, Parliament has found no evidence of *fumus persecutionis*, i.e. factual elements which indicate that the intention underlying the legal proceedings may be to damage a Member's political activity, and thus the European Parliament;
    - 1. Decides to waive the immunity of Gunnar Beck;
    - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the German authorities and to Gunnar Beck.
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P9\_TA(2020)0133

**Request for waiver of the immunity of Guy Verhofstadt****European Parliament decision of 17 June 2020 on the request for waiver of the immunity of Guy Verhofstadt (2019/2149(IMM))**

(2021/C 362/16)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Guy Verhofstadt, submitted on 15 October 2019 by the Fifth Criminal Division of Warsaw-Śródmieście District Court, in connection with pending criminal proceedings further to civil proceedings brought before the same court (ref. X K 7/18), and announced in plenary on 13 November 2019,
  - having heard Guy Verhofstadt in accordance with Rule 9(6) of its Rules of Procedure,
  - having regard to Article 8 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 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 30 April 2019 <sup>(1)</sup>,
  - 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 (A9-0037/2020),
- A. whereas the Fifth Criminal Division of Warsaw-Śródmieście District Court-, in Poland, has submitted a request for waiver of the parliamentary immunity of Guy Verhofstadt on the grounds of certain statements made by the latter on 15 November 2017 during a plenary debate at the European Parliament in Strasbourg; whereas the grounds for the order of the District Court state that, as it is for the applicant to obtain authorisation to commence proceedings, 'in this situation the Public Prosecutor's Office should be considered the relevant authority', that 'if the public prosecutor does not intervene in the proceedings and the Court refuses to request that the immunity in question be waived', the civil applicant 'is deprived of the possibility of exercising his rights against persons protected by the immunity of the European Parliament' and that the provision in question [Rule 9(12) of its Rules of Procedure] 'does not provide that the Court should draft such a request, but merely that it should transmit it. Thus, the request for the waiver of parliamentary immunity in itself constitutes a purely formal transmission of a request' from the civil applicant; noting therefore that the request for waiver of parliamentary immunity was communicated by the judicial authorities in accordance with Rule 9(12) of its Rules of Procedure, but drawing attention to the fact that, under Rule 9(1) of its Rules of Procedure, any request for waiver of parliamentary immunity must be submitted by 'a competent authority of a Member State', the two concepts not being identical;
- B. whereas Guy Verhofstadt has been accused, in civil proceedings brought before the said court by the authorised representative of a private applicant, of having rashly insulted that private applicant; whereas in statements that he made during a plenary debate on the state of the rule of law and democracy in Poland and which were disseminated by the media, Guy Verhofstadt described the participants in the Independence March in Warsaw in 2017 as 'fascists, neo-Nazis and white supremacists'; whereas the applicant was among the participants in that march;

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<sup>(1)</sup> 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; judgment of the General Court of 30 April 2019, *Briosis v Parliament*, T-214/18, ECLI:EU:T:2019:266.

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- C. whereas, in making those comments, Guy Verhofstadt allegedly publicly insulted the applicant in his absence and allegedly made accusations against the applicant which damaged his public reputation, as a result which the applicant considered himself to be in danger of forfeiting the trust necessary for the performance of duties, the exercise of a profession or engagement in a type of activity, which is an offence defined in Article 216(2) in conjunction with Article 212(2) in conjunction with Article 11(2) of the Polish Criminal Code;
- D. whereas parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;
- E. whereas, firstly, Parliament cannot be equated with a court, and, secondly, in the context of a procedure for the waiver of immunity, a Member of the European Parliament cannot be regarded as an 'accused' <sup>(2)</sup>;
- F. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union stipulates that Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;
- G. whereas Guy Verhofstadt made his statements during a plenary session of the European Parliament, within the precincts where the plenary sitting itself was being conducted, in the performance of his duties as a Member of the European Parliament;
- H. whereas the statements by Guy Verhofstadt were therefore made in the context of his duties as a Member of and his work at the European Parliament;
1. Decides not to waive the immunity of Guy Verhofstadt;
  2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Poland and to Guy Verhofstadt.
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<sup>(2)</sup> Judgment of the Court (Grand Chamber) of 19 December 2019, Oriol Junqueras Vies, C-502/19, ECLI:EU:C:2019:1115.

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## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

P9\_TA(2020)0130

**Establishment of a framework to facilitate sustainable investment \*\*\*II**

**European Parliament legislative resolution of 17 June 2020 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (05639/2/2020 — C9-0132/2020 — 2018/0178(COD))**

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

(2021/C 362/17)

*The European Parliament,*

- having regard to the Council position at first reading (05639/2/2020 — C9-0132/2020),
  - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 5 December 2018 <sup>(2)</sup>,
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2018)0353),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food Safety under Rule 58 of the Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food Safety (A9-0107/2020),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 62, 15.2.2019, p. 103.

<sup>(2)</sup> OJ C 86, 7.3.2019, p. 24.

<sup>(3)</sup> Texts adopted of 28.3.2019, P8\_TA(2019)0325.

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P9\_TA(2020)0131

## **Community statistics on migration and international protection \*\*\*II**

**European Parliament legislative resolution of 17 June 2020 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection (15300/1/2019 — C9-0102/2020 — 2018/0154(COD))**

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

(2021/C 362/18)

*The European Parliament,*

- having regard to the Council position at first reading (15300/1/2019 — C9-0102/2020),
  - having regard to its position at first reading<sup>(1)</sup> on the Commission proposal to Parliament and the Council (COM(2018)0307),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A9-0108/2020),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> Texts adopted of 16.4.2019, P8\_TA(2019)0359.

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P9\_TA(2020)0134

**Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) \*\*\*****European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (08662/1/2019 — C9-0004/2019 — 2019/0078(NLE))****(Consent)**

(2021/C 362/19)

*The European Parliament,*

- having regard to the draft Council decision (08662/1/2019),
  - having regard to the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (08668/2019),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0004/2019),
  - having regard to its non-legislative resolution of 18 June 2020 <sup>(1)</sup> on the draft decision,
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinions of the Committee on Development and the Committee on Budgets,
  - having regard to the recommendation of the Committee on Fisheries (A9-0024/2020),
1. Gives its consent to the 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 Republic of Cabo Verde.

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<sup>(1)</sup> Texts adopted, P9\_TA(2020)0135.

Thursday 18 June 2020

P9\_TA(2020)0135

## **Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (Resolution)**

**European Parliament non-legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (08662/2019 — C9-0004/2019 — 2019/0078M(NLE))**

(2021/C 362/20)

*The European Parliament,*

- having regard to the draft Council decision (08662/2019),
  - having regard to the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (08668/2019),
  - having regard to the request for consent submitted by the Council in accordance with Article 43(2), Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (TFEU) (C9-0004/2019),
  - having regard to its legislative resolution of 18 June 2020 <sup>(1)</sup> on the draft decision,
  - having regard to Article 31(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (CFP) <sup>(2)</sup>,
  - having regard to its resolution of 12 April 2016 on common rules in respect of application of the external dimension of the CFP, including fisheries agreements <sup>(3)</sup>,
  - having regard to the final report of February 2018 entitled 'Ex-post and Ex-ante evaluation study of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Cabo Verde',
  - having regard to Rule 105(2) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Development,
  - having regard to the report of the Committee on Fisheries (A9-0023/2020),
- A. whereas the Commission and the Government of Cape Verde have negotiated a new sustainable fisheries partnership agreement (EU-Cape Verde SFPA), together with an implementing protocol, for a five-year period;
- B. whereas the overall aim of the EU-Cape Verde SFPA is to increase fisheries cooperation between the EU and Cape Verde, in the interests of both parties, by promoting a sustainable fisheries policy and sustainable exploitation of fishery resources in the Cape Verde exclusive economic zone (EEZ);
- C. whereas the uptake of fishing opportunities under the previous EU-Cape Verde SFPA has ranged from 58 % to 68 %, with a good use for seiners and a moderate use for longliners and pole and line vessels;
- D. whereas sharks constitute 20 % of catches, but the lack of scientific data means that the total figure may not be accurate and could be much higher;

<sup>(1)</sup> Texts adopted, P9\_TA(2020)0134.

<sup>(2)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(3)</sup> OJ C 58, 15.2.2018, p. 93.



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- E. whereas the EU-Cape Verde SFPAs should promote more effective sustainable development of the Cape Verdean fishing communities and of related industries and activities, including fisheries science; whereas the support to be provided under the Protocol has to be consistent with the national development plans and the Blue Growth Action Plan for development within ecological limits, devised with the United Nations to increase production in, and professionalise, the sector in order to meet the local population's food and employment needs;
- F. whereas the EU's commitments under international agreements should also be supported under the SFPAs, namely the United Nations Sustainable Development Goals (SDGs), in particular SDG 14, and whereas all EU actions, including the SFPAs, must contribute to those objectives;
- G. whereas the EU, through the European Development Fund, is contributing a multiannual budget of EUR 55 million to Cape Verde, focusing on one main sector, namely the Good Governance and Development Contract (GGDC);
- H. whereas the SFPAs should contribute to the promotion and development of the Cape Verdean fisheries sector and whereas basic infrastructure, such as ports, landing sites, storage facilities and processing plants, needs to be built or renovated;
- I. whereas Parliament must be immediately and fully informed, at all stages, of the procedures relating to the Protocol and its renewal;
1. Takes the view that the EU-Cape Verde SFPAs should pursue two equally important goals: (1) to provide fishing opportunities for EU vessels in the Cape Verde EEZ, on the basis of the best available scientific knowledge and advice and without interfering with conservation and management measures by the regional organisations to which Cape Verde belongs — notably the International Commission for the Conservation of Atlantic Tunas (ICCAT) — or overrunning the available surplus; and (2) to promote further economic, financial, technical and scientific cooperation between the EU and Cape Verde in the field of sustainable fisheries and sound exploitation of fishery resources in the Cape Verde EEZ, while at the same time not undermining Cape Verde's sovereign options and strategies relating to its own development; considers, at the same time and in the light of the high value of marine biology in Cape Verdean waters, that the agreement should guarantee the adoption of measures to mitigate accidental fishing by EU vessels in the Cape Verde EEZ;
  2. Takes the view that measures should be taken to guarantee that the reference tonnage stipulated in the agreement is not exceeded;
  3. Draws attention to the findings of the retrospective and prospective assessments of the Protocol to the EU-Cape Verde 2014-2018 SFPAs, produced in May 2018, which stated that the Protocol had on the whole proved to be effective, efficient, appropriate to the interests involved, and consistent with the Cape Verdean sectoral policy, with a high degree of acceptability to stakeholders, and which recommended the option of concluding a new protocol; emphasises that there is scope for more effective progress in terms of fisheries cooperation between the EU and Cape Verde and considers that the new protocol should therefore go beyond previous protocols in the implementation of this agreement, in particular with regard to development support for the Cape Verdean fisheries sector;
  4. Supports the need for significant progress in the development of the Cape Verdean fisheries sector, including the fishing industry and related activities, and calls on the Commission to take all necessary measures, including a possible revision and the bolstering of the sectoral support component of the agreement, along with the creation of conditions to increase the absorption rate of this support;
  5. Considers that the EU-Cape Verde SFPAs will not achieve its objectives if it does not contribute to increasing added value in Cape Verde as a result of the exploitation of its fishery resources;
  6. Maintains that the EU-Cape Verde SFPAs and the Protocol thereto have to be aligned with the national development plans and the Blue Growth Plan for the development within ecological limits of the Cape Verdean fisheries sector, which are priority areas for EU support and for which the necessary technical and financial assistance must be mobilised, and specifically should:

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- strengthen institutional capacity and improve governance: drafting legislation, building on management plans and supporting the implementation of said legislation and management plans;
  - tighten up monitoring, control and surveillance in the Cape Verde EEZ and surrounding areas;
  - strengthen measures to combat illegal, unreported and unregulated (IUU) fishing activities, including in inland waters;
  - strengthen partnerships with other countries interested in fishing activity in the Cape Verde's EEZ, namely by means of fisheries agreements, and ensure transparency by publishing any content thereof, and by establishing a regional programme to train and use observers;
  - support the establishment and improvement of a data collection programme that enables Cape Verdean authorities to understand the resources available and support the scientific assessment of resources, resulting in decision-making based on the best available scientific knowledge;
  - enable the construction and/or renovation of key infrastructure for fisheries and related activities, such as landing quays and ports (both industrial and artisanal, for example at the port of Mindelo, São Vicente island), sites for storing and processing fish, markets, distribution and marketing infrastructure, and quality analysis laboratories;
  - support and improve working conditions for all workers, in particular for women in all fishing-related activities, including not only commercialisation but also transformation, fisheries management and science;
  - support the scientific knowledge necessary for the establishment of marine-protected areas, including their implementation, monitoring and control;
  - limit bycatches of sensitive species, such as marine turtles;
  - enable the reinforcement of organisations representing men and women in the fishing industry, especially those involved in small-scale artisanal fisheries, thereby helping to strengthen technical, management and negotiating capabilities;
  - serve to set up and/or refurbish basic and vocational training centres, thereby raising the skill levels of fishers, seafarers and women in the fisheries sector and other blue economy-associated activities;
  - strengthen measures to encourage young people to engage in fishing;
  - enhance scientific research capabilities and the ability to monitor fishery resources and the marine environment;
  - improve the sustainability of marine resources overall;
7. Welcomes the fact that the agreement does not concern small pelagic fish that are of great importance for the local population and for which there is no surplus;
8. Expresses its concern about the potentially detrimental impact of fishing activities on the shark population in the Cape Verde EEZ;
9. Considers that a more detailed evaluation of the benefits that the implementation of the Protocol brings to local economies (employment, infrastructure, social improvements) is necessary;
10. Considers it desirable to improve the quantity and accuracy of data on all catches (target species and bycatches), on the conservation status of fishery resources and on the impact of fishing activity in the marine environment, and to improve the implementation of sectoral support funding in order to enable a more exact assessment of the impact of the agreement on the marine ecosystem, fishing resources and local communities, including its social and economic impact;
11. Considers that, in the light of the possible closure of or placing of restrictions on fisheries, local fishing needs should be addressed first, on the basis of sound scientific advice, in order to ensure that resources are sustainable;

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12. Calls on the Commission and the Cape Verdean authorities to improve data collection on and the monitoring of stocks in the context of overfishing, with a particular focus on sharks;
  13. Calls on the Commission and the Member States, in their cooperation and official development assistance policies centring on Cape Verde, to bear in mind that the European Development Fund and the sectoral support laid down in this SFPA should complement each other in order to contribute to the strengthening of the local fisheries sector and to ensure that the country has full sovereignty over its own resources; calls on the Commission to facilitate, through the European Development Fund and other relevant instruments, the necessary steps for the provision of infrastructure which, by reason of its scale and cost, cannot be built solely by means of sectoral support within the framework of the SFPA, for example fishing ports (both industrial and artisanal);
  14. Supports the need to increase the contribution of the SFPA to the local creation of direct and indirect jobs, either on vessels operating under the SFPA or in fishing activities, both upstream and downstream; considers that the Member States can play a key role and an active part in capacity-building and training efforts to this end;
  15. Calls on the Commission and the Member States to further strengthen their cooperation with Cape Verde, to evaluate possibilities for enhancing future development assistance, primarily under the new Neighbourhood, Development and International Cooperation Instrument (NDICI) proposed as part of the EU's budget for 2021-2027, and particularly taking into account the good use of EU funds in Cape Verde and the country's political stability in a complex geopolitical context, which must be supported and rewarded;
  16. Calls on the Commission to urge the Republic of Cape Verde to use the financial contribution provided by the Protocol to strengthen its national fisheries industry in the long term, encourage demand for local investment and industrial projects, and encourage the growth of a sustainable blue economy, thereby creating local jobs and boosting the attractiveness of fishing activities to young generations;
  17. Calls on the Commission to send to Parliament and make publicly available the minutes and conclusions of the meetings of the Joint Committee provided for in Article 9 of the agreement and the findings of the annual evaluations; calls on the Commission to enable representatives of Parliament to attend Joint Committee meetings as observers and to encourage the participation of Cape Verdean fishing communities and associated stakeholders;
  18. Considers that information should be compiled on the benefits that implementation of the Protocol brings to local economies (employment, infrastructure, social improvements);
  19. Calls on the Commission and the Council, acting within the limits of their powers, to keep Parliament immediately and fully informed at every stage of the procedures relating to the Protocol and, if applicable, of its renewal, pursuant to Article 13(2) of the Treaty on European Union and Article 218(10) of the TFEU;
  20. Draws the attention of the Commission, and particularly the Council, to the fact that persisting in proceeding with the provisional application of international agreements before Parliament has given its consent is not compatible with the guiding principles of the Interinstitutional Agreement on Better Law-Making, that this practice greatly diminishes Parliament's status as the only directly democratically elected EU institution, and that it also damages the democratic credentials of the EU as a whole;
  21. Calls on the Commission to better integrate the recommendations made in the EU-Cape Verde SFPA and to take them into account, for instance, in the procedures for the renewal of the Protocol;
  22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Government and Parliament of the Republic of Cape Verde.
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P9\_TA(2020)0136

**Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and Guinea-Bissau (2019-2024) \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) (08928/2019 — C9-0011/2019 — 2019/0090(NLE))**

(Consent)

(2021/C 362/21)

*The European Parliament,*

- having regard to the draft Council decision (08928/2019),
  - having regard to the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (08894/2019),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a) (v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0011/2019),
  - having regard to its non-legislative resolution of 18 June 2020 <sup>(1)</sup> on the draft decision,
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinions of the Committee on Development and the Committee on Budgets,
  - having regard to the recommendation of the Committee on Fisheries (A9-0012/2020),
1. Gives its consent to the 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 Republic of Guinea-Bissau.

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<sup>(1)</sup> Texts adopted, P9\_TA(2020)0137.

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P9\_TA(2020)0137

**Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and Guinea-Bissau (2019-2024) (Resolution)****European Parliament non-legislative resolution of 18 June 2020 on the draft Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) (08928/2019 — C9-0011/2019 — 2019/0090M(NLE))**

(2021/C 362/22)

*The European Parliament,*

- having regard to the draft Council Decision (08928/2019),
  - having regard to the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (08894/2019) ('the Protocol'),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0011/2019),
  - having regard to Article 31(4) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (Common Fisheries Policy) <sup>(1)</sup>,
  - having regard to its resolution of 12 April 2016 on common rules in respect of application of the external dimension of the CFP, including fisheries agreements <sup>(2)</sup>,
  - having regard to its legislative resolution of 18 June 2020 <sup>(3)</sup> on the draft decision,
  - having regard to Rule 105(2) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Development,
  - having regard to the report of the Committee on Fisheries (A9-0013/2020),
- A. whereas the overall objective of the EU-Guinea Bissau sustainable fisheries partnership agreement (SFPA) is to enhance fisheries cooperation between the EU and Guinea-Bissau, in the interests of both parties, by promoting a sustainable fisheries policy and the sound and sustainable exploitation of fishery resources in Guinea-Bissau's fishing zone, in addition to the development of the Guinea-Bissau fisheries sector and its blue economy;
- B. whereas the use of fishing opportunities under the previous SFPA is considered satisfactory in overall terms;

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<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(2)</sup> OJ C 58, 15.2.2018, p. 93.

<sup>(3)</sup> Texts adopted, P9\_TA(2020)0136.

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- C. whereas the EU-Guinea Bissau SFPA is of considerable importance in the context of the SFPAs concluded by the EU with third countries, and is currently the third most important in terms of the funds involved, and offers the added advantage of being one of only three agreements that allow access to mixed fisheries;
- D. whereas the contribution of Guinea-Bissau's fisheries to the country's wealth is very low (3,5 % of GDP in 2015), although the funds that it will receive through the SFPA as financial compensation for access to resources will make a significant contribution to its national public finances;
- E. whereas compared to the previous Protocol, the EU's financial contribution has been increased from EUR 9 million to EUR 11,6 million per year as regards the annual amount for access to fishery resources and from EUR 3 million euros to EUR 4 million per year as regards EU support for Guinea-Bissau's sectoral fisheries policy;
- F. whereas during the period covered by the Protocol, fishing opportunities will be defined in two different ways: in the first two years, fishing effort (measured in terms of gross registered tonnage (GRT)), and in the last three years, total allowable catches (in tonnes); whereas this transition should be accompanied by the implementation, during the first two years of the Protocol, of an electronic catch reporting system (ERS) and the processing of catch data;
- G. whereas during the first period covered by the Protocol, the fishing opportunities granted to EU fleets are as follows: 3 700 GRT for shrimp freezer trawlers, 3 500 GRT for fin-fish and cephalopods freezer trawlers and 15 000 GRT for small pelagic trawlers, 28 tuna freezer seiners and longliners, and 13 pole-and-line tuna vessels; whereas during the second period, the fishing opportunities granted to EU fleets are as follows: 2 500 tonnes for shrimp freezer trawlers, 11 000 for fin-fish freezer trawlers, 1 500 tonnes for cephalopod freezer trawlers and 18 000 tonnes for small pelagic trawlers, 28 tuna freezer seiners and longliners, and 13 pole-and-line tuna vessels;
- H. whereas the first fisheries agreement between the European Economic Community and Guinea-Bissau dated back to 1980; whereas the previous protocol to the agreement expired on 23 November 2017; whereas the performance of the development cooperation component of these agreements (i.e. sectoral support) has not been globally satisfactory; whereas, notwithstanding, progress has been recorded in fisheries monitoring, control and surveillance and sanitary inspection capacity, as has Guinea-Bissau's participation in regional fisheries bodies; whereas sectoral cooperation needs to be enhanced in order to better promote the development of the local fisheries sector and the related industries and activities so as to ensure that a greater proportion of the added value created by the exploitation of the country's natural resources remains in Guinea-Bissau;
- I. whereas, in order for the Guinea-Bissau fisheries sector to develop, basic infrastructure needs to be installed, such as ports, landing sites, storage facilities and processing plants, which are still missing, in an effort to attract landings of fish caught in the waters of Guinea-Bissau;
- J. whereas 2021 will see the start of the United Nations Decade of Ocean Science for Sustainable Development (2021-2030); whereas third countries must be encouraged to play a key role in the acquisition of knowledge;
- K. whereas trade in fishery products from Guinea-Bissau has been banned by the EU for many years owing to the country's inability to comply with the sanitary measures required by the EU; whereas the delay in the analytical laboratory's certification process (CIPA) is the main barrier to the exporting of fishery products from Guinea-Bissau to the EU; whereas the Guinean authorities and the Commission are working together in the certification process in order to lift the ban;
- L. whereas there is a need to ensure that a greater proportion of the added value generated from the exploitation of fishery resources in the Guinean fishing zone remains in the country;



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- M. whereas direct employment in the fisheries sector in Guinea-Bissau has been limited, even when it comes to employing local crew members on board vessels (currently, a lower number work on these vessels than when the previous Protocol was concluded) or women, whose livelihoods and jobs are contingent on the fisheries sector;
- N. whereas compared to the previous Protocol, the number of seamen to be signed on in the EU fleet increased significantly; whereas EU vessels owners shall endeavour to sign on additional Guinean seamen; whereas the Guinea-Bissau authorities are to draw up and keep updated an indicative list of qualified seamen who are candidates to be signed on by EU vessels;
- O. whereas advances have been made in the fight against IUU (illegal, unreported and unregulated) fishing in Guinea-Bissau's territorial waters, thanks to the Guinean exclusive economic zone's (EEZ) improved methods of supervision, namely those allocated to FISCAP (Inspection and Control of Fishing Activities), which includes a corps of observers and fast patrol vessels; whereas there are still flaws and shortcomings which must be overcome, which include matters relating to the Vessel Monitoring System (VMS);
- P. whereas advances have been made in the profiling of demersal fish stocks in the Guinean EEZ, and in particular the 'report of the campaign to assess demersal stocks in the Guinea-Bissau EEZ' of January 2019;
- Q. whereas Guinea-Bissau is one of 13 countries under the scope of the project 'Improved regional fisheries governance in western Africa (PESCAO)' adopted by Commission Decision C(2017) 2951 of 28 April 2017, which, among other objectives, aims to strengthen the prevention of and responses to IUU fishing by improving monitoring, control and surveillance at national and regional level;
- R. whereas the integration of the recommendations previously made by Parliament in the current Protocol were not fully satisfactory;
- S. whereas Parliament must be duly informed in good time and at all stages of the procedures concerning the Protocol or its renewal;
1. Notes the importance of the EU-Guinea Bissau SFPAs, both for Guinea Bissau and for EU fleets operating in the Guinea-Bissau fishing zone; emphasises that there is scope for more effective progress in terms of fisheries cooperation between the EU and Guinea-Bissau and reiterates its call on the Commission to take every step required to go beyond previous protocols on the implementation of this agreement to ensure that this SFPAs leads to satisfactory levels of development of the local fisheries sector in global terms, and should be consistent with the objectives referred to in the UN Sustainable Development Goal (SDG) 14 to conserve and sustainably use the oceans, seas and marine resources for sustainable development;
  2. Considers that the objectives of the EU-Guinea Bissau SFPAs have had differing degrees of success: while the agreement has offered and provides considerable fishing opportunities for EU vessels in the Guinea-Bissau fishing zone and European ship-owners have made considerable use of these opportunities, the local fisheries sector has not, overall, developed enough or in a satisfactory manner;
  3. Stresses that, in its Article 3, the Protocol contains a non-discrimination clause whereby Guinea-Bissau undertakes not to grant more favourable technical conditions to other foreign fleets operating in Guinea-Bissau's fishing zone that have the same characteristics and target the same species; calls on the Commission to closely follow EU fisheries agreements with third countries that are in Guinea-Bissau's fishing zone;
  4. Welcomes the contribution of EU vessels to food security in Guinea-Bissau by direct landings, as specified in Chapter 5 of the Annex to the Protocol, for the benefit of the local communities and to promote internal fish trade and consumption;
  5. Considers that a transition in the management of fishing opportunities (from fishing effort management to total allowable catch management) poses a challenge to this Protocol; calls on the Commission and the Guinea-Bissau to promote, without delay, an appropriate and effective transition, which safeguards the necessary reliability and effectiveness of the ERS and the processing of catch data;

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6. Supports the need for significant progress in the development of the Guinea-Bissau fisheries sector, including the fishing industry and related activities, and calls on the Commission to take all necessary measures — including a possible revision and the bolstering of the sectoral support component of the agreement, along with measures to increase the absorption rate of the financial contribution — in order to achieve this objective;

7. Considers that the EU-Guinea Bissau SFPAs will not achieve its objectives if it does not help put in place a management system for the sustainable, long-term exploitation of its fishery resources; considers it of utmost importance to comply with the provisions set out in the Protocol on sectoral support so that it contributes to the full implementation of the national strategy for fisheries and the blue economy; identifies, in this regard, as priority areas for EU support, mobilising the necessary technical and financial assistance in order to:

- a. strengthen institutional capacity, notably regional and global fisheries governance strategies, so as to take account of the cumulative impacts of different fisheries agreements of countries in the region;
- b. support the strengthening of marine protected areas in order to move towards integrated management of fisheries resources;
- c. develop key infrastructure for fisheries and related activities, such as ports (both industrial and artisanal), sites for landing, storing and processing fish, markets, distribution and marketing structures, quality analysis laboratories, with the aim of attracting landings of the fish caught in the waters of Guinea-Bissau;
- d. strengthen local operator capacity in the fisheries sector by supporting fishermen's organisations;
- e. train fishing professionals;
- f. support small-scale fishing;
- g. contribute to the good ecological condition of the marine environment, in particular by supporting the collection of waste and fishing gear by local actors;
- h. recognise and enhance the role of women and young people in fishing, and improve the organisation of their roles by supporting the requisite conditions to this end;

8. Urges the Commission and the Member States, in their cooperation and official development assistance policies, to take into account the fact that the European Development Fund (EDF) and sectoral support provided for in the EU-Guinea-Bissau SFPAs should complement each other and be fully coordinated, with a view to strengthening the local fisheries sector;

9. Expresses its concern about the growing number of fish meal and fish oil plants on the west African coast, which are also supplied with fish from the waters of Guinea Bissau; underlines the fact that forage fishing runs counter to the principle of sustainability and the provision of valuable protein resources to the local community; welcomes the expansion of the port and landing facilities in Guinea-Bissau, but at the same time expresses its concern that this could be followed by the construction of new fishmeal plants;

10. Calls on the Commission and the Guinea-Bissau authorities to enhance their cooperation in order to establish the conditions for the export of Guinea-Bissau fishery products to the EU, in particular as regards the verification of the required sanitary conditions and certification of the analytical laboratory (CIPA), so as to overcome the current ban, boost the development of the local fisheries sector and, consequently, make progress towards achieving the SFPAs objectives;

11. Supports the need to enhance the contribution of the SFPAs to the local creation of direct and indirect jobs, either on vessels operating under the SFPAs or in fishing activities, both upstream and downstream; considers that the Member States can play a key role and be an active part in capacity-building and training efforts in order to achieve this;

12. Recalls the unique nature of Guinea-Bissau's marine and coastal ecosystems, such as the mangrove forests, which act as nursery habitats for fishery resources, and which require targeted action to protect and restore biodiversity;

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13. Considers that information should be compiled on the benefits that the implementation of the Protocol brings to local economies (e.g. employment, infrastructure and social improvements);
  14. Considers that there is a need to improve the quantity and quality of data on all catches (target and by-catch), on the conservation status of fishery resources in the fishing zone of Guinea-Bissau and, in general, on the impact of the SFPA on ecosystems, and that an effort should be made to develop the capacity of Guinea-Bissau to acquire such data; calls on the Commission to help ensure that the bodies responsible for overseeing the implementation of the agreement, namely the Joint Committee and Joint Scientific Committee, can operate smoothly, with the involvement of artisanal fishermen's associations, associations of women working in the fisheries sector, trade unions, representatives of coastal communities and Guinea-Bissau civil society organisations;
  15. Considers that there is the absolute need to improve data collection on catches in Guinea Bissau; calls, moreover, for an improvement of the transmission of data generated by the VMS systems of EU vessels via the flag state to the African authorities; calls for better data system interoperability;
  16. Urges the publication of reports on the actions that have been supported by the sectoral support for greater transparency;
  17. Considers that, in the event of the closure of fisheries or the introduction of fishing restrictions, in order to ensure that resources are sustainable, as established in the Protocol, local fishing needs should be addressed first on the basis of sound scientific advice;
  18. Emphasises the importance of the surplus requirement for Union vessels fishing in third country waters;
  19. Supports the need, with a view to improving the sustainability of fishing activities, to improve the governance, control and surveillance of the fishing zone of Guinea Bissau and to combat IUU fishing, inter alia, by stepping up the monitoring of vessels (through the VMS system);
  20. Urges the inclusion of transparency provisions, which would entail publishing all agreements with states or private entities that have granted foreign vessels access to Guinea Bissau's EEZ;
  21. Stresses the importance of allocating the fishing opportunities provided by the SFPA based on the principles of equity, balance and transparency;
  22. Emphasises the importance that the landings of fish in Guinea Bissau ports contribute to local processing activities and food security, both in terms of species and quality;
  23. Calls on the Commission to forward to Parliament the minutes and conclusions of the meetings of the Joint Committee, the multiannual sectoral programme referred to in Article 5 of the Protocol and the results of its annual evaluations, information on the coordination of this programme with the strategic plan for the development of Guinea-Bissau's fisheries (2015-2020), the minutes and conclusions of the meetings of the Joint Scientific Committee, and information on IUU fishing in the Guinean fishing zone, the integration of EU economic operators in the Guinean fisheries sector (Article 10 of the Protocol) and the verification of compliance with the obligations of ship-owners (e.g. in relation to the contribution in kind provided for in Chapter V of the Annex to the Protocol); calls on the Commission to present to Parliament, within the last year of application of the Protocol and before the opening of negotiations for its renewal, a full report on its implementation;
  24. Calls on the Commission and on the authorities of Guinea-Bissau to provide more detailed information on the development of activities associated with forage fishing in the region;
  25. Calls on the Commission to better integrate the recommendations of Parliament into the EU-Guinea-Bissau SFPA and to take them into account in the procedures for the renewal of the Protocol;
  26. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Guinea-Bissau.
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P9\_TA(2020)0138

**Protocol on the implementation of the Fisheries Partnership Agreement between São Tomé and Príncipe and the European Community \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (12199/2019 — C9-0001/2020 — 2019/0173(NLE))**

(Consent)

(2021/C 362/23)

*The European Parliament,*

- having regard to the draft Council decision (12199/2019),
  - having regard to the Protocol on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (12202/2019),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0001/2020),
  - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinions of the Committee on Development and the Committee on Budgets,
  - having regard to the recommendation of the Committee on Fisheries (A9-0001/2020),
1. Gives its consent to the 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 Democratic Republic of São Tomé and Príncipe.
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Thursday 18 June 2020

P9\_TA(2020)0139

**EU-Swiss Confederation Agreement on the modification of Switzerland's WTO concessions (Article XXVIII of the GATT 1994) with regard to seasoned meat \*\*\*****European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation in the context of negotiations under Article XXVIII of the GATT 1994 on the modification of Switzerland's WTO concessions with regard to seasoned meat (12482/2019 — C9-0194/2019 — 2019/0196(NLE))****(Consent)**

(2021/C 362/24)

*The European Parliament,*

- having regard to the draft Council decision (12482/2019),
  - having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation in the context of negotiations under Article XXVIII of the GATT 1994 on the modification of Switzerland's WTO concessions with regard to seasoned meat (12483/2019),
  - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C9-0194/2019),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on International Trade (A9-0092/2020),
1. Gives its consent to the 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 Swiss Confederation.
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Thursday 18 June 2020

P9\_TA(2020)0141

## **Mobilisation of the European Globalisation Adjustment Fund: technical assistance at the initiative of the Commission**

**European Parliament resolution of 18 June 2020 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (EGF/2020/000 TA 2020 — Technical assistance at the initiative of the Commission) (COM(2020)0146 — C9-0112/2020 — 2020/2062(BUD))**

(2021/C 362/25)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2020)0146 — C9-0112/2020),
  - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup>,
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>, and in particular Article 12 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(3)</sup>, and in particular point 13 thereof,
  - having regard to its resolution of 18 September 2019 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund, (EGF/2019/000 TA 2019 — Technical assistance at the initiative of the Commission) <sup>(4)</sup>,
  - having regard to its first reading on the proposal for a regulation of the European Parliament and of the Council on the European Globalisation Fund (EGF) <sup>(5)</sup>,
  - having regard to the trilogue procedure provided for in point 13 of the Interinstitutional Agreement of 2 December 2013,
  - having regard to the report of the Committee on Budgets (A9-0109/2020),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns or of the global financial and economic crisis and to assist their necessary and prompt reintegration into the labour market;
- B. whereas the Union's assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard to the Interinstitutional Agreement of 2 December 2013 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF);

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(4)</sup> Texts adopted, P9\_TA(2019)0015.

<sup>(5)</sup> Texts adopted, P8\_TA(2019)0019.



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- C. whereas the adoption of Regulation (EU) No 1309/2013 reflects the agreement reached between the Parliament and the Council to reintroduce the crisis mobilisation criterion, to increase the Union financial contribution to 60 % of the total estimated cost of proposed measures, to increase efficiency for the treatment of EGF applications in the Commission and by Parliament and the Council by shortening the time for assessment and approval, to widen eligible actions and beneficiaries by introducing self-employed persons and young people and to finance incentives for setting up own businesses;
- D. whereas the maximum annual budget available for the EGF is EUR 150 million in 2011 prices and whereas Article 11(1) of Regulation (EU) No 1309/2013 states that up to 0,5 % of that amount, that is EUR 179 264 000 in 2020 prices, can be made available for technical assistance at the initiative of the Commission in order to finance preparation, monitoring, data gathering and creation of a knowledge base, administrative and technical support, information and communication activities as well as audit, control and evaluation activities necessary to implement Regulation (EU) No 1309/2013;
- E. whereas the proposed amount of EUR 345 000 corresponds to approximately 0,19 % of the maximum annual budget available for the EGF in 2020;
1. Agrees with the measures that the Commission proposes to finance as technical assistance in accordance with Article 11(1) and (4) and Article 12(2), (3) and (4) of Regulation (EU) No 1309/2013;
  2. Acknowledges the importance of monitoring and data gathering; recalls the importance of robust statistical series compiled in an appropriate form so that it is easily accessible and understandable; reiterates the need for updated research on and analysis on the current challenges posed by COVID-19 on the global market;
  3. Reiterates the need for a dedicated website, accessible to all Union citizens, containing detailed information about the EGF;
  4. Welcomes the continued work on standardised procedures for EGF applications and management using the functionalities of the electronic data exchange system (SFC), which allows for the simplification and faster processing of applications, and better reporting;
  5. Takes note that the Commission will use the available budget to hold two meetings of the Expert Group of Contact Persons of the EGF (one member from each Member State) and, most probably at the same time, two seminars with the participation of the implementing bodies of the EGF and the social partners in order to promote networking among Member States;
  6. Calls on the Commission to continue to systematically invite Parliament to such meetings and seminars in accordance with the relevant provisions of the Framework Agreement on relations between Parliament and the Commission;
  7. Underlines the need to further enhance the cooperation and communication between all those involved in EGF applications, including, in particular, the social partners and stakeholders at regional and local level, to create as many synergies as possible; stresses that interaction between the National Contact Person and regional or local case delivery partners should be strengthened and communication and support arrangements and information flows (internal divisions, tasks and responsibilities) should be made explicit and agreed on by all partners concerned;
  8. Reminds applicant Member States of their key role in widely publicising the actions funded by the EGF to the targeted beneficiaries, local and regional authorities, social partners, the media and the general public, as set out in Article 12 of Regulation (EU) No 1309/2013;
  9. Recalls that according to the current rules, the EGF could be mobilised to support permanently dismissed workers and the self-employed in the context of the global crisis caused by COVID-19 without amending Regulation (EU) No 1309/2013;
  10. Therefore asks the Commission to assist, in any possible way, Member States who intend to prepare an application in the coming weeks and months;
  11. Furthermore asks the Commission to do its utmost to show flexibility and to shorten the period of assessment to the extent possible when assessing any application's compliance with the conditions for providing a financial contribution;

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12. Approves the decision annexed to this resolution;
  13. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  14. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the mobilisation of the European Globalisation Adjustment Fund (EGF/2020/000 TA 2020 — Technical assistance at the initiative of the Commission)**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2020/986.)*

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Thursday 18 June 2020

P9\_TA(2020)0142

## **Mobilisation of the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria**

**European Parliament resolution of 18 June 2020 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria (COM(2020)0200 — C9-0127/2020 — 2020/2068(BUD))**

(2021/C 362/26)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2020)0200 — C9-0127/2020),
  - having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund <sup>(1)</sup>,
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>, and in particular Article 10 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(3)</sup>, and in particular point 11 thereof,
  - having regard to the letter from the Committee on Regional Development,
  - having regard to the report of the Committee on Budgets (A9-0105/2020),
1. Welcomes the decision as a sign of the Union's solidarity with the Union citizens and regions hit by natural disasters;
  2. Stresses the urgent need to release financial assistance through the European Union Solidarity Fund (the 'Fund') to the regions affected by natural disasters in the Union in 2019;
  3. Considers that the financial assistance released to the Member States shall be subject to a fair distribution to the most affected regions and areas;
  4. Points out that, due to climate change, natural disasters will become more and more violent and more and more frequent; calls for a reform of the Fund in the forthcoming multiannual financial framework in order to take into account the future consequences of climate change, while stressing that the Fund is only a curative instrument and that climate change requires primarily a preventive policy in line with the Paris Agreement and the Green Deal;
  5. Recalls that, according to Articles 174 and 349 of the Treaty on the Functioning of the European Union, the European Union shall pursue actions leading to the strengthening of its territorial cohesion and taking into account the special characteristics and constraints of the outermost regions; points out that the same natural disaster in an outermost region has a greater social and economic impact than in any other European region and consequently the recovery is slower; believes, therefore, that the outermost regions should benefit from increased funding under the scope of the Fund;
  6. Approves the decision annexed to this resolution;
  7. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
  8. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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<sup>(1)</sup> OJ L 311, 14.11.2002, p. 3.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

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ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the mobilisation of the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2020/1076.)*

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P9\_TA(2020)0143

## Draft amending budget No 3/2020: Entering the surplus of the financial year 2019

**European Parliament resolution of 18 June 2020 on the Council position on Draft amending budget No 3/2020 of the European Union for the financial year 2020: Entering the surplus of the financial year 2019 (07764/2020 — C9-0131/2020 — 2020/2061(BUD))**

(2021/C 362/27)

*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<sup>(1)</sup>, and in particular Article 44 thereof,
  - having regard to the general budget of the European Union for the financial year 2020, as definitively adopted on 27 November 2019<sup>(2)</sup>,
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020<sup>(3)</sup>,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>(4)</sup>,
  - having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union<sup>(5)</sup>,
  - having regard to Draft amending budget No 3/2020, which the Commission adopted on 15 April 2020 (COM(2020)0180),
  - having regard to the position on Draft amending budget No 3/2020 which the Council adopted on 6 May 2020 and forwarded to Parliament on the following day (07764/2020 — C9-0131/2020),
  - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences<sup>(6)</sup>,
  - having regard to Rules 94 and 96 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A9-0104/2020),
- A. whereas Draft amending budget No 3/2020 aims to enter in the 2020 budget the surplus from the 2019 financial year, amounting to EUR 3 218,4 million;
- B. whereas the main components of that surplus are a positive outturn on revenue of EUR 2 414,8 million and an under-spending in expenditure of EUR 803,6 million;

<sup>(1)</sup> OJ L 193, 30.7.2018, p. 1.

<sup>(2)</sup> OJ L 57, 27.2.2020.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(4)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(5)</sup> OJ L 168, 7.6.2014, p. 105.

<sup>(6)</sup> Texts adopted, P9\_TA(2020)0054.



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- C. whereas on the revenue side, the largest difference stems from default interest and fines (EUR 2 510,5 million), the outturn being composed of competition fines and default interest, other penalty payments and interest linked to fines and penalty payments;
- D. whereas on the expenditure side, under-implementation in payments by the Commission reaches EUR 592,3 million for 2019 (of which EUR 351,5 million from the Emergency Aid Reserve and EUR 94,5 million in reserve under heading 3, 'Security and Citizenship') and EUR 86,3 million for 2018 carryovers, and under-implementation by the other institutions EUR 82,4 million for 2019 and EUR 39 million for 2017 carryovers;
1. Takes note of Draft amending budget No 3/2020 as submitted by the Commission, which is devoted solely to the budgeting of the 2019 surplus, for an amount of EUR 3 218,4 million, in accordance with Article 18 of the Financial Regulation, and of the Council's position thereon;
  2. Reiterates its position that all available means and unused money in the Union budget, including the surplus, be used to swiftly deploy financial assistance to the regions and businesses most affected by the COVID-19 pandemic; calls, in that context, on Member States to devote the expected reductions in their GNI-based contributions stemming from the 2019 surplus entirely to the budgeting of COVID-19-related actions, preferably at Union level to ensure an optimal allocation of the funds;
  3. Notes that, according to the Commission, the competition fines in 2019 accounted for EUR 2 510,5 million; considers again that it should be possible for the Union budget to reuse any revenue resulting from fines or linked to late payments without a corresponding decrease in GNI contributions; recalls its position in favour of increasing the proposed Union reserve (Global Margin for Commitments) in the next Multiannual Financial Framework by an amount equivalent to the revenue resulting from fines and penalties;
  4. Approves the Council position on Draft amending budget No 3/2020;
  5. Instructs its President to declare that Amending budget No 3/2020 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
  6. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
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P9\_TA(2020)0144

## **Draft amending budget No 4/2020: proposal to mobilise the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria**

**European Parliament resolution of 18 June 2020 on the Council position on Draft amending budget No 4/2020 of the European Union for the financial year 2020 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria (08097/2020 — C9-0146/2020 — 2020/2069(BUD))**

(2021/C 362/28)

*The European Parliament,*

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
  - having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
  - having regard to Regulation (EU, Euratom) 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<sup>(1)</sup>, and in particular Article 44 thereof,
  - having regard to the general budget of the European Union for the financial year 2020, as definitively adopted on 27 November 2019<sup>(2)</sup>,
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020<sup>(3)</sup> (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<sup>(4)</sup>,
  - having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union<sup>(5)</sup>,
  - having regard to Draft amending budget No 4/2020, which the Commission adopted on 30 April 2020 (COM(2020)0190),
  - having regard to the position on Draft amending budget No 4/2020 which the Council adopted on 25 May 2020 and forwarded to Parliament on the same day (08097/2020 — C9-0146/2020),
  - having regard to the Commission proposal to the European Parliament and the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria (COM(2020)0200),
  - having regard to Rules 94 and 96 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A9-0106/2020),
- A. whereas Draft amending budget No 4/2020 covers the proposed mobilisation of the European Union Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria following natural disasters that took place in those Member States in the course of 2019;

<sup>(1)</sup> OJ L 193, 30.7.2018, p. 1.

<sup>(2)</sup> OJ L 57, 27.2.2020.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(4)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(5)</sup> OJ L 168, 7.6.2014, p. 105.

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- B. whereas the Commission consequently proposes to amend the 2020 budget and to increase budget line 13 06 01 'Assistance to Member States in the event of a major natural disaster with serious repercussions on living conditions, the natural environment or the economy' by EUR 272 498 208, both in commitment and payment appropriations;
- C. whereas the European Union Solidarity Fund is a special instrument as defined in the MFF Regulation, and the corresponding commitment and payments appropriations are to be budgeted over and above the multiannual financial framework ceilings;
1. Approves the Council position on Draft amending budget No 4/2020;
  2. Instructs its President to declare that Amending budget No 4/2020 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
  3. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
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P9\_TA(2020)0145

### **Conclusion of the EU — Moldova Common Aviation Area Agreement \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion, on behalf of the Union, of the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova (14205/2019 — C9-0192/2019 — 2012/0006(NLE))**

**(Consent)**

(2021/C 362/29)

*The European Parliament,*

- having regard to the draft Council decision (14205/2019),
  - having regard to the draft Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova (08185/2012),
  - 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)(v), and Article 218 (7) of the Treaty on the Functioning of the European Union (C9-0192/2019),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0084/2020),
1. Gives its consent to the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Moldova.
-

Thursday 18 June 2020

P9\_TA(2020)0146

**Amendment of the EU-Moldova Common Aviation Area Agreement (accession of Croatia) \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion, on behalf of the Union and its Member States, of a Protocol amending the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova, to take account of the accession to the European Union of the Republic of Croatia (07048/2015 — C9-0195/2019 — 2015/0035(NLE))**

**(Consent)**

(2021/C 362/30)

*The European Parliament,*

- having regard to the draft Council decision (07048/2015),
  - having regard to the draft Protocol amending the Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova, to take account of the accession to the European Union of the Republic of Croatia (07047/2015),
  - 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 (C9-0195/2019),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0083/2020)
1. Gives its consent to the 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 Republic of Moldova.
-

Thursday 18 June 2020

P9\_TA(2020)0147

### **Amendment of the EU-Morocco Euro-Mediterranean Aviation Agreement (accession of Bulgaria and Romania) \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Bulgaria and Romania (06198/2013 — C9-0006/2019 — 2007/0181(NLE))**

**(Consent)**

(2021/C 362/31)

*The European Parliament,*

- having regard to the draft Council decision (06198/2013),
  - having regard to the draft Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Bulgaria and Romania <sup>(1)</sup>,
  - 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), and Article 218(8) first subparagraph, of the Treaty on the Functioning of the European Union (C9-0006/2019),
  - having regard to its position of 12 December 2007 on the proposal for a Council decision on the conclusion of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Bulgaria and Romania <sup>(2)</sup>
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0005/2020),
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 Kingdom of Morocco.

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<sup>(1)</sup> OJ L 200, 27.7.2012, p. 25.

<sup>(2)</sup> OJ C 323 E, 18.12.2008, p. 259.



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P9\_TA(2020)0148

**Conclusion of the EU-Jordan Euro-Mediterranean Aviation Agreement \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (14209/2019 — C9-0193/2019 — 2010/0180(NLE))**

**(Consent)**

(2021/C 362/32)

*The European Parliament,*

- having regard to the draft Council decision (14209/2019),
  - having regard to the draft Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (14366/2010);
  - 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)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0193/2019),
  - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0086/2020),
1. Gives its consent to the 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 Hashemite Kingdom of Jordan.
-

Thursday 18 June 2020

P9\_TA(2020)0149

### **Conclusion of the EU-China Civil Aviation Safety Agreement \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China (14185/2019 — C9-0191/2019 — 2018/0155(NLE))**

**(Consent)**

(2021/C 362/33)

*The European Parliament,*

- having regard to the draft Council decision (14185/2019),
  - having regard to the draft Agreement on Civil Aviation Safety between the European Union and the Government of the People's Republic of China (09702/2018),
  - 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)(v), and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0191/2019),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0087/2020),
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 People's Republic of China.

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P9\_TA(2020)0150

**Conclusion of the EU-Georgia Common Aviation Area Agreement \*\*\*****European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion, on behalf of the Union, of the Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part (09556/2019 — C9-0013/2019 — 2010/0186(NLE))****(Consent)**

(2021/C 362/34)

*The European Parliament,*

- having regard to the draft Council decision (09556/2019),
  - having regard to the draft Common Aviation Area Agreement between the European Union and its Member States and Georgia (14370/2010),
  - 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)(v), and Article 218(7), of the Treaty on the Functioning of the European Union (C9-0013/2019),
  - having regard to Rules 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0082/2020),
1. Gives its consent to the 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 Georgia.
-

Thursday 18 June 2020

P9\_TA(2020)0151

### **Conclusion of the EU-Israel Euro-Mediterranean Aviation Agreement \*\*\***

**European Parliament legislative resolution of 18 June 2020 on the draft Council decision on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the government of the State of Israel, of the other part (14207/2019 — C9-0196/2019 — 2012/0324(NLE))**

**(Consent)**

(2021/C 362/35)

*The European Parliament,*

- having regard to the draft Council decision (14207/2019),
  - having regard to the draft Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the government of the State of Israel, of the other part (16828/2012),
  - 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)(v), and Article 218(7), of the Treaty on the Functioning of the European Union (C9-0196/2019),
  - having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A9-0085/2020),
1. Gives its consent to the 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 Israel.
-

Thursday 18 June 2020

P9\_TA(2020)0154

**Non-objection to a delegated act: support for the fruit and vegetables and wine sectors in connection with the COVID-19 pandemic**

**European Parliament decision to raise no objections to the Commission delegated regulation of 4 May 2020 derogating in respect of the year 2020 from Commission Delegated Regulation (EU) 2017/891 as regards the fruit and vegetables sector and from Commission Delegated Regulation (EU) 2016/1149 as regards the wine sector in connection with the COVID-19 pandemic (C(2020)02908 — 2020/2636(DEA))**

(2021/C 362/36)

*The European Parliament,*

- having regard to the Commission delegated regulation (C(2020)02908),
  - having regard to the Commission's letter of 27 May 2020 asking Parliament to declare that it will raise no objections to the delegated regulation,
  - having regard to the letter from the Committee on Agriculture and Rural Development to the Chair of the Conference of Committee Chairs of 2 June 2020,
  - having regard to Article 290 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 <sup>(1)</sup>, and in particular Article 62(1), Article 64(6) and Article 115(5) thereof,
  - having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(2)</sup>, and in particular Articles 37, 53 and 173 and Article 227(5) thereof,
  - having regard to Rule 111(6) of its Rules of Procedure,
  - having regard to the recommendation for a decision of the Committee on Agriculture and Rural Development,
- A. whereas, due to the current COVID-19 pandemic and the resulting extensive movement restrictions, exceptional difficulties have been encountered by all Member States and by farmers in all Member States with the planning, implementation and execution of aid schemes laid down in Articles 32 to 38 of Regulation (EU) No 1308/2013 for the fruit and vegetables sectors and in Articles 39 to 54 thereof for the wine sector;
- B. whereas the situation has resulted in financial difficulties, cash-flow problems, market disruption and serious disturbance of the functioning of the supply chain in the fruit and vegetables sector and in the wine sector;
- C. whereas exceptional difficulties have also been encountered in all Member States with the planning, management and implementation of operational programmes of recognised producer organisations and associations of producer organisations in the fruit and vegetables sector and in wine-producing Member States with the planning, management and implementation of operations under support programmes in the wine sector;
- D. whereas, in view of the unprecedented nature of those combined circumstances, the Commission has adopted provisions providing for flexibilities and allowing derogations from delegated regulations applicable in the fruit and vegetables sector and in the wine sector;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 671.

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- E. whereas the swift implementation of those flexibilities and derogations are essential to their effectiveness and efficacy in addressing difficulties in the running of the aid schemes for both sectors, preventing further economic losses and addressing the market situation and disturbances of the functioning of the supply chain in the fruit and vegetables sector and in the wine sector;
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.
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P9\_TA(2020)0155

**Non-objection to a delegated act: regulatory technical standards for prudent valuation**

**European Parliament decision to raise no objections to the Commission delegated regulation of 28 May 2020 amending Delegated Regulation (EU) 2016/101 of 26 October 2015 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for prudent valuation under Article 105(14) of Regulation (EU) No 575/2013 (C(2020)03428 — 2020/2668(DEA))**

(2021/C 362/37)

*The European Parliament,*

- having regard to the Commission delegated regulation (C(2020)03428),
  - having regard to the Commission's letter of 29 May 2020 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 9 June 2020,
  - having regard to Article 290 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 <sup>(1)</sup>, and in particular Article 105(14) thereof,
  - having regard to Article 13 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 <sup>(2)</sup>,
  - having regard to the draft regulatory technical standard submitted by the European Banking Authority (EBA/RTS/2020/04) on 22 April 2020 pursuant to Article 105(14) of Regulation (EU) No 575/2013,
  - having regard to Rule 111(6) of its Rules of Procedure,
  - having regard to the recommendation for a decision of the Committee on Economic and Monetary Affairs,
- A. whereas the delegated act temporarily amends the prudential banking framework in response to the COVID-19 outbreak; in particular to mitigate the impacts of the extreme market volatility on the prudent valuation framework, the delegated act increases the aggregation factor used to calculate the total additional valuation adjustments ('AVA') amount under the 'core approach' from 50 % to 66 % until 31 December 2020 to allow institutions to weather out the current extreme market volatility; this would reduce the total AVAs amount, hence reducing the amount deducted from institutions' Common Equity Tier 1 (CET1) capital;
- B. whereas this delegated act should enter into force as soon as possible in order to ensure swift capital relief for institutions still during this quarter and until the end of the year;
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.

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<sup>(1)</sup> OJ L 176, 27.6.2013, p. 1.

<sup>(2)</sup> OJ L 331, 15.12.2010, p. 12.



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P9\_TA(2020)0157

**Amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards adjustments in response to the COVID-19 pandemic \*\*\*I**

**European Parliament legislative resolution of 18 June 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards adjustments in response to the COVID-19 pandemic (COM(2020)0310 — C9-0122/2020 — 2020/0066(COD))**

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

(2021/C 362/38)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0310),
  - 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 (C9-0122/2020),
  - 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 20 May 2020 <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 10 June 2020 <sup>(2)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 10 June 2020 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 (A9-0113/2020),
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.

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**P9\_TC1-COD(2020)0066**

**Position of the European Parliament adopted at first reading on 18 June 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council amending Regulations (EU) No 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2020/873.)*

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<sup>(1)</sup> OJ C 180, 29.5.2020, p. 4.

<sup>(2)</sup> Not yet published in the Official Journal.

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P9\_TA(2020)0159

**Setting up a subcommittee on tax matters****European Parliament decision of 18 June 2020 on setting up a subcommittee on tax matters (2020/2681(RSO))**

(2021/C 362/39)

*The European Parliament,*

- having regard to the proposal from the Conference of Presidents,
  - having regard to its decision of 15 January 2014 on the powers and responsibilities of the standing committees <sup>(1)</sup>,
  - having regard to Rules 206 and 212 of its Rules of Procedure,
1. Decides to set up a subcommittee to the Committee on Economic and Monetary Affairs;
  2. Decides that that subcommittee shall be responsible for tax-related matters, and particularly the fight against tax fraud, tax evasion and tax avoidance, as well as financial transparency for taxation purposes;
  3. Decides that, in Part VI of Annex VI to its Rules of Procedure, the following paragraph is added:  
‘The committee is assisted by a subcommittee on tax matters, for tax-related matters and particularly the fight against tax fraud, tax evasion and tax avoidance, as well as financial transparency for taxation purposes’;
  4. Decides that the subcommittee shall have 30 members;
  5. Decides, with reference to the decisions of the Conference of Presidents of 30 June 2019 and 9 January 2020 relating to the composition of subcommittee bureaux, that the committee bureaux may consist of up to four vice-chairs;
  6. Instructs its President to forward this decision to the Council and the Commission, for information.
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<sup>(1)</sup> OJ C 482, 23.12.2016, p. 160.

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P9\_TA(2020)0160

## **Setting up a special committee on beating cancer, and defining its responsibilities, numerical strength and term of office**

**European Parliament decision of 18 June 2020 on setting up a special committee on beating cancer, and defining its responsibilities, numerical strength and term of office (2020/2682(RSO))**

(2021/C 362/40)

*The European Parliament,*

- having regard to the proposal from the Conference of Presidents,
- having regard to the Commission communication of 11 December 2019 on ‘The European Green Deal’ (COM(2019)0640),
- having regard to its resolution of 15 January 2020 on the European Green Deal <sup>(1)</sup>,
- having regard to EU funding for Research and Innovation 2021-2027 (Horizon Europe),
- having regard to the dedicated Horizon Europe mission on cancer;
- having regard to the Commission communication of 24 June 2009 entitled ‘Action Against Cancer: European Partnership’ (COM(2009)0291),
- having regard to the Council recommendation 2003/878/EC of 2 December 2003 on cancer screening <sup>(2)</sup>,
- having regard to the Council conclusions of 22 May 2008 on reducing the burden of cancer,
- having regard to the report of May 2017 on the implementation of the Council Recommendation on cancer screening,
- having regard to the European guidelines on screening for breast cancer, cervical cancer and bowel cancer,
- having regard to the United Nations Sustainable Development Goals,
- having regard to its resolution of 10 April 2008 on combating cancer in the enlarged European Union <sup>(3)</sup>,
- having regard to its resolution of 6 May 2010 on the Commission communication on Action Against Cancer: European Partnership <sup>(4)</sup>,
- having regard to the European Code Against Cancer (fourth edition),
- having regard to the activity and the conclusions of the all-party interest group MEPs Against Cancer (MAC),
- having regard to Rule 207 of its Rules of Procedure,

A. whereas European cooperation in prevention, diagnosis, treatment, research and other areas clearly benefits the fight against cancer;

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<sup>(1)</sup> Texts adopted, P9\_TA(2020)0005.

<sup>(2)</sup> OJ L 327, 16.12.2003, p. 34.

<sup>(3)</sup> OJ C 247 E, 15.10.2009, p. 11.

<sup>(4)</sup> OJ C 81 E, 15.3.2011, p. 95.

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- B. whereas the Treaty on the Functioning of the European Union (TFEU) provides a number of legal bases for EU action on health, including Article 114, whereby the highest level of protection concerning health, safety, environmental protection and consumer protection, in the internal market should be ensured, in particular taking account of any new development on the basis of scientific facts, Article 168, whereby a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities, and Union action, which shall complement national policies, shall be directed towards improving public health, preventing physical and mental illness and diseases, and obviating sources of danger to physical and mental health, Article 181, which requires the EU and the Member States to coordinate their research and technological development activities so as to ensure that national policies and Union policy are mutually consistent and supports initiatives aiming at the establishment of guidelines and indicators, and the exchange of best practice, and Article 191, whereby Union policy on the environment shall contribute to protecting human health on the basis of the precautionary principle, without prejudice to the Member States' competence in the field of health;
- C. whereas cancer is the second leading cause of mortality in the Member States after cardiovascular diseases; whereas in 2015, 1,3 million people died from cancer in the EU-28, which equated to more than one quarter (25,4 %) of the total number of deaths; whereas cancer affects people differently according to age, gender, socio-economic status, genetics and other factors; whereas demographic changes will increase the incidence of cancer in the coming decades;
- D. whereas cancer does not only affect the individual patient, but also the patient's loved ones, their families, friends, communities and care-givers; whereas the challenges, psycho-social needs and demands of these groups, in particular the impact on mental health, also require attention;
- E. whereas the World Health Organization (WHO) identifies a number of key preventable risk factors, namely tobacco, physical inactivity, unhealthy diet and obesity, alcohol use, HPV and hepatitis B and C and *Helicobacter pylori* (*H. pylori*) infections, environmental pollution, including chemical exposure and air pollution, occupational carcinogens and radiation; whereas, according to the WHO, 30-50 % of all cancer cases are preventable; whereas prevention offers the most cost-effective long-term strategy for the control of cancer; whereas the prevention of virus-related cancers may rely on vaccination; whereas cancer prevention programmes should be conducted within the context of an integrated chronic disease prevention programme since most individual determinants are risk factors common to other chronic diseases; whereas the fight against environmental pollution will be part of the zero-pollution ambition as proposed in the political agenda of the Commission;
- F. whereas genetic predisposition to cancer due to mutations of specific genes has been demonstrated; whereas the detection of these mutations is available and personalised screening offers an efficient way to reduce the risk of certain cancers;
- G. whereas cancer-screening programmes can, if implemented in the right manner, render huge benefits and play their part in the wider context of cancer control;
- H. whereas Member States are struggling with cancer prevention and treatment as the economic impact of cancer is significant and on the increase;
- I. whereas public funded research represents a key source of scientific advances; whereas a robust world-leading life-science industry is also important to ensure private research and development, which is crucial in the fight against cancer but it is essential that policy-makers set the right framework so that innovation will benefit all patients and protect the population at large; whereas the public and private sector should collaborate on this;
- J. whereas cancer remains one of the main challenges European citizens will face in the future as it is predicted that more than 100 million Europeans will be diagnosed with cancer over the next 25 years; whereas it is of utmost importance for both national and European policymakers to act towards the implementation of stronger cancer control and contributing to the well-being of all Europeans;

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- K. whereas there are considerable inequalities between and within Member States with regard to cancer prevention, screening treatment facilities, implementation of evidence-based best-practice guidelines, and rehabilitation;
- L. whereas prices of medicines can be unaffordable for some individuals and healthcare systems, with cancer medicines often particularly expensive; whereas a study has found that from 2010 to 2020, total cancer expenditure is estimated to have increased by 26 %, while spending on cancer drugs will have risen by 50 %<sup>(5)</sup>;
1. Decides to set up a special committee on beating cancer, vested with the following responsibilities:
- (a) looking at actions to strengthen the approach at every key stage of the disease: prevention, diagnosis, treatment, life as a cancer survivor and palliative care, ensuring a close link with the research mission on cancer in the future Horizon Europe programme and with a focus on EU competence;
  - (b) listening to the current evidence and data available and react by identifying policies and priorities that meet patients' needs;
  - (c) evaluating the possibilities where, in accordance with the TFEU, the EU can take concrete steps to fight cancer and where only recommendations to the Member States and exchange of best practices are possible and focus on the concrete actions;
  - (d) evaluating scientific knowledge on the best possible prevention of cancer and identifying specific actions, including the strict implementation of current legislation and the identification of future measures in the fields of tobacco control, measures to reduce obesity and improve nutritional choices, measures to reduce alcohol use, measures to increase vaccination and treatment for infections, measures to reduce chemical exposure including cumulative impacts, air pollution as mentioned in the European Green Deal and exposure to carcinogens in the workplace, and measures to protect against radiation; evaluating where possible the quantifiable effects of such measures;
  - (e) analysing and assessing early detection of cancer in the form of screening programmes to ensure that future revisions of the recommendation are incorporated rapidly and efficiently;
  - (f) evaluating the best possible way of supporting research to strengthen prevention, diagnosis, treatment and innovation, especially with a view to achieving the new mission on cancer within Horizon Europe; focusing on areas where Member States alone cannot be successful enough, for example regarding childhood cancer or rare cancers;
  - (g) looking, in particular at ways to support non-profit clinical trials to improve the treatment in areas which the pharmaceutical industry is not investigating because there is limited profitability;
  - (h) assessing the current framework of the pharmaceutical legislation and evaluating if changes are needed to better incentivise genuine innovation and breakthrough treatments for patients, in particular to evaluate possibilities to improve cancer treatment in children and in order to harmonise in the EU the science-based evaluation of efficacy, added value and cost-benefit ratio of each cancer medicine including HPV vaccines and e-health applications;
  - (i) evaluating the possibility of actions, including legislation, to guarantee the development of common standards to enhance the interoperability of health care systems including cancer registers and the necessary eHealth structures to address the different issues of specialised therapies, including avoiding unnecessary travel for patients;
  - (j) evaluating the implementation of the Cross-Border Healthcare Directive and, if necessary, propose improvements to allow patients to see those specialists best suited for their treatment without imposing an unnecessary burden;
  - (k) analysing and assessing the functioning of the European Reference Networks, including their role in gathering and sharing knowledge and best practices in the field of rare cancers prevention and control;

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<sup>(5)</sup> Prasad, V., Jesús, de K., Mailankody, S., 'The high price of anti cancer drugs: origins, implications, barriers, solutions.' *Nature Reviews Clinical Oncology*, vol. 14 (2017), p. 381–390.

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- (l) evaluating the possibility of EU action to facilitate the transparency of treatment prices to improve the affordability and accessibility of cancer medicines, to avoid drug shortages, and to reduce inequalities between and within Member States;
  - (m) evaluating the possibility, in accordance with the TFEU, of improving patients' rights, including their rights over their personal data (the right to be forgotten), and their right to non-discrimination — in order to continue their employment and return to work — to access preserved fertility and reproductive treatments, to lifelong surveillance and to optimal palliative care, and to avoid any psychological or financial discrimination due to genetic predisposition to cancers;
  - (n) evaluating the possibility of improving the quality of life for patients and their families;
  - (o) evaluating the possibilities of supporting research in palliative care and of triggering a more intensive exchange of best practice in hospice and palliative care;
  - (p) making any recommendations that it considers necessary with regard to the Union policy on combatting cancer in order to achieve a high level of protection of human health based on the patient oriented approach; to undertake visits and hold hearings to this end with the other EU institutions and relevant agencies, and with international and national institutions, non-governmental organisations and relevant industries, taking into consideration the perspective of a range of stakeholders including practitioners, patients and their loved ones; to recommend how specific EU funds should be mobilized to achieve those goals;
2. Stresses that any recommendation of the special committee shall be presented to and, if necessary, followed up by Parliament's competent standing committee;
  3. Decides that the powers, staff and available resources of Parliament's standing committee with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to the area of responsibility of the special committee will not be affected or duplicated and thus remain unchanged;
  4. Decides that, whenever the special committee work includes the hearing of evidence of a confidential nature, testimonies involving personal data, or exchanges of views or hearings with authorities and bodies on confidential information, including scientific studies or parts thereof granted confidentiality status under Article 63 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(6)</sup>, the meetings shall be held in camera; decides further that witnesses and experts shall have the right to make a statement or provide testimony in camera;
  5. Decides that the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;
  6. Decides that confidential documents that have been received by the special committee shall be assessed in accordance with the procedure set out in Rule 221 of its Rules of Procedure, decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;
  7. Decides that the special committee shall have 33 members;
  8. Decides that the term of office of the special committee shall be 12 months, except where Parliament extends that period before its expiry, and that the term shall start running from the date of its constituent meeting.

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<sup>(6)</sup> 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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P9\_TA(2020)0161

**Setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation, and defining its responsibilities, numerical strength and term of office**

**European Parliament decision of 18 June 2020 on setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation, and defining its responsibilities, numerical strength and term of office (2020/2683(RSO))**

(2021/C 362/41)

*The European Parliament,*

- having regard to the proposal from the Conference of Presidents,
  - having regard to the Treaty on European Union (TEU),
  - having regard to the Treaty on the Functioning of the European Union (TFEU),
  - having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 7, 8, 11, 12, 39, 40, 47 and 52 thereof,
  - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, and in particular Articles 8, 9, 10, 11, 13, 16 and 17 thereof, and the Protocol to that Convention, and in particular Article 3 thereof,
  - having regard to Rule 207 of its Rules of Procedure,
- A. whereas the outcome of the special committee set up by this decision should provide a common, holistic, long-term approach to addressing evidence of foreign interference in the democratic institutions and processes of the EU and its Member States, not only in the run-up to all major national and European elections but in a sustained manner across the EU, under a myriad of forms, including disinformation campaigns on traditional and social media to shape public opinion, cyber-attacks targeting critical infrastructure, direct and indirect financial support as well as economic coercion of political actors and civil society subversion;
- B. whereas all reported incidents of foreign interference in democratic processes and institutions represent a systematic pattern that has been recurring over recent years;
- C. whereas attempts by state actors from third countries and non-state actors to interfere in the functioning of democracy in the EU and its Member States, as well as putting pressure on the values enshrined in Article 2 of the TEU by means of malicious interference, are part of a wider trend experienced by democracies worldwide;
- D. whereas foreign interference is used in combination with economic and military pressure to harm European unity;
1. Decides to set up a special committee on foreign interference in all democratic processes in the European Union, including disinformation, vested with the following responsibilities:
- (a) to conduct a thorough analysis of the investigations showing that crucial electoral rules have been breached or circumvented, in particular the existing provisions on the transparency of campaign financing, with allegations of political spending by various legal and illegal forms of conduits and straw donors from third-country sources;



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- (b) to identify possible areas which would require legislative and non-legislative actions which can result in intervention by social media platforms with the aim of labelling content shared by bots, reviewing algorithms in order to make them as transparent as possible in the factors which lead them to display, prioritise, share, de-rank, and remove content, and closing down accounts of persons engaging in coordinated inauthentic behaviour online or illegal activities aimed at the systematic undermining of democratic processes or at instigating hate speech, while not compromising on freedom of expression;
  - (c) to contribute to the ongoing debate on how to enhance the responsibility for countering foreign interference in all democratic processes in the European Union, including disinformation, not exclusively by public authorities but also in cooperation with technology and social media companies and the private sector at large in order to raise awareness of the role, duty and responsibility that these have in countering foreign interference while not undermining freedom of expression;
  - (d) to assess national actions able to provide strict restrictions on the sources of political funding, since foreign actors have found legal and illegal ways to circumvent national legislations and have offered covert support to their allies by taking out loans with foreign banks, providing in-kind things of value, through purchase and commercial agreements, through shell companies, through non-profit organisations, through citizen straw donors, through emerging technologies offering anonymity, through online advertisements, through extremist online media outlets, and through the facilitation of financial activities; to identify possible areas which would require actions regarding the funding of political parties and political campaigns;
  - (e) to suggest coordinated action at EU level for tackling hybrid threats, including cyber-attacks on military and non-military targets, hack-and-leak operations targeting lawmakers, public officials, journalists, political parties and candidates, as well as cyber espionage for the purpose of corporate intellectual property theft and the theft of sensitive citizen data, since these threats can neither be addressed solely by national authorities working in isolation nor by pure self-regulation of the private sector, but require a coordinated multi-level, multi-stakeholder approach; to assess the security aspect of these threats, which can have severe political, economic and social implications for European citizens;
  - (f) to investigate on the EU's dependence on foreign technologies in critical infrastructure supply chains, including internet infrastructure, inter alia, hardware, software, applications and services, as well as on the required actions to strengthen the capabilities for countering the strategic communication of hostile third parties and to exchange information and best practice in this area; to support and encourage coordination between Member States on exchanging information, knowledge and good practices in order to counter threats and address current deficiencies;
  - (g) to identify, assess and propose ways to tackle security breaches inside the EU institutions;
  - (h) to counter information campaigns and strategic communication of malign third countries, including those through domestic European actors and organisations, that harm the goals of the European Union and that are created to influence European public opinion in order to make it harder to achieve an EU common position, including on CFSP and CSDP issues;
  - (i) to call upon all relevant services and institutions at the level of the EU and its Member States as it may deem relevant and effective in order to fulfil its mandate;
2. Stresses that the recommendation of the special committee shall be taken into consideration by the competent standing committees in their work;
3. Decides that the powers, staff and available resources of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to the area of responsibility of the special committee will not be affected or duplicated, and thus remain unchanged;

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4. Decides that whenever the special committee work includes the hearing of evidence of a confidential nature, testimonies involving personal data, or exchanges of views or hearings with authorities and bodies on confidential information, including scientific studies or parts thereof granted confidentiality status under Article 63 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(1)</sup>, the meetings shall be held *in camera*; decides further that witnesses and experts shall have the right to make a statement or provide testimony *in camera*;
  5. Decides that the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;
  6. Decides that confidential documents that have been received by the special committee shall be assessed in accordance with the procedure set out in Rule 221 of its Rules of Procedure; decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;
  7. Decides that the special committee shall have 33 Members;
  8. Decides that the term of office of the special committee shall be 12 months and that that term shall start running from the date of its constituent meeting;
  9. Decides that the special committee may present to Parliament a mid-term report and that it shall present a final report containing factual findings and recommendations concerning the measures and initiatives to be taken, without prejudice to the competences of the standing committees in accordance with Annex VI to its Rules of Procedure.
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<sup>(1)</sup> 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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P9\_TA(2020)0162

**Setting up a special committee on artificial intelligence in a digital age, and defining its responsibilities, numerical strength and term of office****European Parliament decision of 18 June 2020 on setting up a special committee on artificial intelligence in a digital age, and defining its responsibilities, numerical strength and term of office (2020/2684(RSO))**

(2021/C 362/42)

*The European Parliament,*

- having regard to the proposal from the Conference of Presidents,
- having regard to Rule 207 of its Rules of Procedure,
- A. whereas the European Union has clear competences in the area of the digital agenda and artificial intelligence as per Articles 4, 13, 16, 26, 173, 179, 180, 181, 182, 186 and 187 of the Treaty on the Functioning of the European Union;
- B. whereas the outcome of the special committee hereby set up should be a holistic approach providing a common, long-term position that highlights the EU's key values and objectives relating to artificial intelligence in the digital age;
- C. whereas it is important to ensure that the digital transition is human-centric and consistent with the Charter of Fundamental Rights of the European Union;
- D. whereas the use of artificial intelligence entails significant fundamental rights challenges such as, but not limited to, the protection of personal data and the right to privacy, as well as significant technological developments and the deployment of innovative solutions;
- E. whereas the digital transition will have an impact on every aspect of the economy and society;
- F. whereas digitalisation will transform our industry and markets and the existing legislation should, therefore, be adapted;
- G. whereas it is important that the European Union speaks with one voice, to avoid the fragmentation of the single market resulting from differences in national legislation;
- 1. Decides to set up a special committee on artificial intelligence in a digital age, vested with the following strictly defined responsibilities:
  - (a) to analyse the future impact of artificial intelligence in the digital age on the EU economy, in particular on skills, employment, fintech, education, health, transport, tourism, agriculture, environment, defence, industry, energy and e-government;
  - (b) to further investigate the challenge of deploying artificial intelligence and its contribution to business value and economic growth;
  - (c) to analyse the approach of third countries and their contribution to complementing EU actions;

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(d) to submit to Parliament's responsible standing committees an evaluation defining common EU objectives in the medium- and long-term and include the major steps needed to reach them, using as a starting point the following Commission communications published on 19 February 2020:

- Shaping Europe's digital future (COM(2020)0067),
- A European Strategy for Data (COM(2020)0066),
- White Paper on Artificial Intelligence — a European approach to excellence and trust (COM(2020)0065),
- Report on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics (COM(2020)0064),

including a roadmap on 'A Europe fit for the digital age', which shall provide the EU with a strategic plan defining its common objectives in the medium- and long-term and the major steps needed to reach them;

2. Stresses that any recommendation of the special committee shall be presented to and, if necessary, followed up by Parliament's competent standing committees;
3. Decides that the powers, staff and available resources of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to the area of responsibility of the special committee will not be affected or duplicated, and will thus remain unchanged;
4. Decides that whenever the special committee work includes the hearing of evidence of a confidential nature, testimonies involving personal data, or exchanges of views or hearings with authorities and bodies on confidential information, including scientific studies or parts thereof granted confidentiality status under Article 63 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(1)</sup>, the meetings shall be held *in camera*; decides further that witnesses and experts shall have the right to make a statement or provide testimony *in camera*;
5. Decides that the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;
6. Decides that confidential documents that have been received by the special committee shall be assessed in accordance with the procedure set out in Rule 221 of its Rules of Procedure; decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;
7. Decides that the special committee shall have 33 Members;
8. Decides that the term of office of the special committee shall be 12 months and that its term of office shall start running from the date of its constituent meeting;
9. Decides that the special committee may present to Parliament a mid-term report, and that it shall present a final report containing factual findings and recommendations concerning the measures and initiatives to be taken, without prejudice to the competences of the standing committees in accordance with Annex VI of its Rules of Procedure.

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<sup>(1)</sup> 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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**Setting up a committee of inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union, and defining its responsibilities, numerical strength and term of office****European Parliament decision of 19 June 2020 on setting up a committee of inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to the protection of animals during transport within and outside the Union, and defining its responsibilities, numerical strength and term of office (2020/2690(RSO))**

(2021/C 362/43)

*The European Parliament,*

- having regard to the request presented by 183 Members for a committee of inquiry to be set up to look into alleged violations in the application of Union law governing live animal transport both within and outside the Union,
- having regard to the proposal from the Conference of Presidents,
- having regard to Article 226 of the Treaty on the Functioning of the European Union,
- having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry<sup>(1)</sup>,
- having regard to Article 4(3) of the Treaty on European Union,
- having regard to Article 17(1) of the Treaty on European Union,
- having regard to Article 13 of the Treaty on the Functioning of the European Union,
- having regard to Article 258 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97<sup>(2)</sup>,
- having regard to the judgment of the Court of Justice of 23 April 2015 in Case C-424/13<sup>(3)</sup>,
- having regard to Rule 208 of its Rules of Procedure,

1. Decides to set up a committee of inquiry to investigate alleged violations in the application of Union law in relation to the implementation by Member States and enforcement by the European Commission of Regulation (EC) No 1/2005;

<sup>(1)</sup> OJ L 113, 19.5.1995, p. 1.

<sup>(2)</sup> OJ L 3, 5.1.2005, p. 1.

<sup>(3)</sup> Judgment of the Court of Justice of 23 April 2015, *Zuchtvieh-Export GmbH v Stadt Kempten*, C-424/13, ECLI:EU:C:2015:259.

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2. Decides that the committee of inquiry shall:
  - investigate the alleged failure of the Commission to act upon the evidence of serious and systematic infringements of Regulation (EC) No 1/2005 which occur when animals are transported live across the Union and to third countries. The Commission has been regularly informed of the systematic and severe violations occurring during the transport of live animals. Since 2007, the Commission has received approximately 200 reports on breaches to Regulation (EC) No 1/2005. In 2016, the law firm Conte & Giacomini, acting on behalf of Animal Welfare Foundation/Tierschutzbund Zürich (AWF/TSB), issued a formal complaint to the Commission on the violation of Regulation (EC) No 1/2005 during the transport of animals from Europe to Turkey by road<sup>(4)</sup>, calling on the Commission to open infringement procedures against the Member States involved in illegal practices,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on space allowance and headroom laid down in Article 3, second paragraph, point (g), of, and in Chapter II, point 1.2, Chapter III, point 2.3, and Chapter VII of Annex I to, Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on the approval of means of transport by road and of livestock vessels, laid down in Articles 7, 18 and 19 of Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on watering and feeding laid down in Article 3, second paragraph, point (h), of, and in Chapter V, point 1.4, point 1.5 and point 2.1 (a) and (b), and in Chapter VI, points 1.3 and 2.2 of Annex I to, Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on bedding laid down in Chapter II, point 1.1 (h) and point 1.5, and in Chapter VI, point 1.2, of Annex I to Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions on temperature and ventilation system laid down in Chapter II, point 1.1 (b), Chapter III, point 2.6, and Chapter VI, point 3.1, of Annex I to Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the prohibition to transport unfit animals provided for in Article 3, second paragraph, point (b), of, and in Chapter I of Annex I to, Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the separation of certain animals laid down in Chapter III, point 1.12, of Annex I to Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the additional provisions concerning long distance journey laid down in Article 14 of, and in Chapter VI of Annex I to, Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the checks to be carried out laid down in Article 15(2) and Article 21 of Regulation (EC) No 1/2005,
  - investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the obligation of Member States' competent authorities to, in case of infringements, take specific measures and notify the infringements, laid down in Article 26 of Regulation (EC) No 1/2005,

<sup>(4)</sup> (CHAP(2016) 01703-01707-01708-01709-01710-01711-01712-01713-01714-01715-0171601717-01718). In October 2016, the Conte & Giacomini Law Firm sent to the Commission an integration of the complaint.

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- investigate the alleged failure of the Commission to enforce effectively, and of Member States to implement and to enforce effectively, the provisions concerning the obligation of the competent authority to prevent and to reduce delay during transport, and the appropriate measures to be taken in such case, laid down in Article 22 of Regulation (EC) No 1/2005 ,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transportation of unweaned animals, laid down in Chapter V, point 1.4 (a), of Annex I to Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the transport of live animals by the sea, including the loading practices and the structures on vessels, laid down in Articles 19, 20 and 21 of, and in Chapter II, points 1 and 3, Chapter III, point 1, and Chapter IV of Annex I to, Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the means of transport laid down in Chapter II, points 1, 2 and 5, of Annex I to Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively the provisions concerning the handling of animals, including the loading and unloading operations, laid down in Article 3, second paragraph, point (e), of, and in Chapter III, points 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, 1.9 and 1.11 of Annex I to, Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the route planning and the journey log laid down in Article 5(4), Article 8, Article 14(1), points (a), (b) and (c), and Article 21(2) of, and in Annex II to, Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, the provisions concerning the duties and obligations of Member States' competent authorities laid down in Articles 10 and 13 of Regulation (EC) No 1/2005,
- investigate the alleged failure of the Commission to enforce effectively, and of the Member States to implement and to enforce effectively, Regulation (EC) No 1/2005 outside the Union, in accordance with the judgment of the Court of Justice (Fifth Chamber) of 23 April 2015 in Case C-424/13; in its judgment, the Court of Justice recalled that Regulation (EC) No 1/2005 imposes severe obligations not only on transport of live vertebrate animals taking place entirely within the territory of the European Union, but also on transport operations having their points of departure within that territory and their destination in a third country. In the same judgment, the Court held that compliance should be ensured by Member States' competent authorities when they authorise journeys taking place in third countries,
- investigate potential breaches of the duty of sincere cooperation established in Article 4(3) of the Treaty on European Union that are relevant to the scope of the inquiry; to that end, assess, in particular, whether any such breach may arise from alleged failure to take appropriate measures to prevent the operation of modes of transport in such a way that the identity of their ultimate beneficial owners is hidden from the institutions of the Union, competent authorities, and other intermediaries, and violations to Regulation (EC) No 1/2005 are facilitated,
- investigate the alleged failure of the Commission to facilitate the OIE mission of implementing international standards on animal welfare during transport,
- investigate the alleged failure of the Commission to respect the Union's trade values enshrined in the new EU trade strategy 'Trade4All', especially in relation to the horrendous transport practices documented in third countries, which are critical, not only from an animal welfare point of view, but also in terms of food security and public health,
- make any recommendation that it deems to be necessary in this matter, including in respect of the implementation, by Member States, of the above-mentioned judgment of the Court of Justice;



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3. Decides that the committee of inquiry shall submit its final report within 12 months of the adoption of this decision;
  4. Decides that the committee of inquiry should take account in its work of any relevant developments within the remit of the committee that emerge during its term;
  5. Decides that any recommendations drawn up by the committee of inquiry should be dealt with by the relevant standing committees;
  6. Decides that the committee of inquiry shall have 30 members;
  7. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union*.
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P9\_TA(2020)0166

**Guidelines for the 2021 Budget — Section III****European Parliament resolution of 19 June 2020 on general guidelines for the preparation of the 2021 budget, Section III — Commission (2019/2213(BUD))**

(2021/C 362/44)

*The European Parliament,*

- having regard to the special report of the Intergovernmental Panel on Climate Change (IPCC) of 8 October 2018 on Global Warming of 1,5 °C <sup>(1)</sup>,
- having regard to Article 314 of the Treaty on the Functioning of the European Union (TFEU),
- 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 <sup>(2)</sup>,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(3)</sup>,
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(4)</sup>,
- having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union <sup>(5)</sup>,
- having regard to the general budget of the European Union for the financial year 2020 <sup>(6)</sup> and the joint statements agreed between Parliament, the Council and the Commission annexed thereto,
- having regard to its interim report of 14 November 2018 on the multiannual financial framework 2021-2027 — Parliament's position with a view to an agreement <sup>(7)</sup> and to its resolution of 10 October 2019 on the 2021-2027 multiannual financial framework and own resources: time to meet citizens' expectations <sup>(8)</sup>,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences <sup>(9)</sup>,
- having regard to its resolution of 13 May 2020 on a safety net to protect the beneficiaries of Union programmes: setting up an MFF contingency plan <sup>(10)</sup>,

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<sup>(1)</sup> <https://www.ipcc.ch/sr15/>

<sup>(2)</sup> OJ L 193, 30.7.2018, p. 1.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(4)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(5)</sup> OJ L 168, 7.6.2014, p. 105.

<sup>(6)</sup> OJ L 057, 27.2.2020, p. 1.

<sup>(7)</sup> Texts adopted, P8\_TA(2018)0449.

<sup>(8)</sup> Texts adopted, P9\_TA(2019)0032.

<sup>(9)</sup> Texts adopted, P9\_TA(2020)0054.

<sup>(10)</sup> Texts adopted, P9\_TA(2020)0065.

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- having regard to its resolution of 15 May 2020 on the new multiannual financial framework, own resources and the recovery plan <sup>(1)</sup>,
  - having regard to its resolution of 16 January 2020 on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity <sup>(2)</sup>,
  - having regard to the European Pillar of Social Rights, and its resolution thereon of 19 January 2017 <sup>(3)</sup>,
  - having regard to its resolution of 15 January 2020 on the European Green Deal <sup>(4)</sup>,
  - having regard to the Council conclusions of 18 February 2020 on the 2021 budget guidelines (06092/2020),
  - having regard to the UN 2030 Agenda for Sustainable Development,
  - having regard to Rule 93 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Foreign Affairs,
  - having regard to the position in the form of amendments of the Committee on Employment and Social Affairs,
  - having regard to the letters from the Committee on Development; the Committee on Budgetary Control; the Committee on the Environment, Public Health and Food Safety; the Committee on Industry, Research and Energy; the Committee on the Internal Market and Consumer Protection; the Committee on Transport and Tourism; the Committee on Regional Development; the Committee on Agriculture and Rural Development; the Committee on Culture and Education; the Committee on Civil Liberties, Justice and Home Affairs; the Committee on Constitutional Affairs and the Committee on Women's Rights and Gender Equality,
  - having regard to the report of the Committee on Budgets (A9-0110/2020),
- A. whereas the European Union is facing an unexpected and unprecedented health, economic, social and environmental crisis due to the coronavirus COVID-19 pandemic;
- B. whereas these exceptional circumstances cannot be tackled with a budget designed for 'business as usual';
- C. whereas pursuant to Article 311 of the TFEU, the Union shall provide itself with the means necessary to attain its policy objectives and the budget shall be financed wholly from own resources;
- D. whereas pursuant to Article 312 of the TFEU, the multiannual financial framework (MFF) shall be adopted by the Council by unanimity after obtaining the consent of the European Parliament by a majority of its component members;
- E. whereas the current MFF ends at the end of 2020, and whereas 2021 should be the first year of implementation of the next one in a revised and reshaped form;
- F. whereas Parliament has been ready to negotiate the MFF since November 2018, but the Council has so far failed to engage in any meaningful talks with Parliament beyond minimal contact on the margins of the General Affairs Council; whereas the timeframe for reaching an agreement in the European Council has been repeatedly extended;
- G. whereas on 27 May 2020, the Commission presented an updated proposal for the next MFF;
- H. whereas IPCC scientists, in their latest report, call for radical action to catch up with the ecological transition, in the light of their warning that CO<sub>2</sub> concentration increased three times faster in 2018-2019 than in the 1960s, underlining the fact that there are only a few years left to prevent climate change and its environmental impact from getting irreversibly out of control;
- I. whereas in the context of the COVID-19 outbreak, victims of gender-based violence can be exposed to abusers for long periods of time and be cut off from social and institutional support, as demonstrated by the data in several EU countries, and whereas women are disproportionately represented in professions where the risk of getting infected is high;

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<sup>(1)</sup> Texts adopted, P9\_TA(2020)0124.

<sup>(2)</sup> Texts adopted, P9\_TA(2020)0015.

<sup>(3)</sup> OJ C 242, 10.7.2018, p. 24.

<sup>(4)</sup> Texts adopted, P9\_TA(2020)0005.

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***Facing the COVID-19 crisis: a budget to protect and innovate...***

1. Insists that the EU budget is vital to respond to the challenges faced by the Union and made even more visible and acute by the COVID-19 crisis, and that it needs to reflect the degree of ambition of the Member States and the institutions; stresses, therefore, that the primary focus of the 2021 budget should be to mitigate the effects of the COVID-19 outbreak and support the recovery, built on the European Green Deal and digital transformation;
2. Emphasises that the Union and all of its Member States must show full solidarity with those most in need, pulling together as a community and ensuring that no country is left to fight this pandemic and its aftermath on its own, including through a 2021 budget commensurate with this historical challenge;
3. Highlights, in this context, that the 2021 budget should be the first of an updated, reoriented and very ambitious 2021-2027 MFF;
4. In line with its resolution of 13 May 2020, reiterates its request that the Commission propose an MFF contingency plan by 15 June 2020, on the basis of the automatic extension of the 2020 ceilings, in order to protect beneficiaries of EU programmes and ensure continuity of funding; stresses that this MFF contingency plan should allow for the prolongation of existing EU programmes and their refocusing on addressing the consequences of the crisis, as well as for setting up the most urgent new instruments and initiatives; underlines the need to avoid any risk of discontinuity or a disorderly extension of the current MFF and programmes in 2021, and to guarantee that the Union will be enabled to carry out its operations and to provide an ambitious crisis response and recovery strategy;
5. Underlines that no Member State on its own will be able to finance a massive recovery plan, as long as needed, to face the COVID-19 crisis and that, if financed solely with debt, national recovery plans would be very limited in amount and duration; insists that the recovery plan must comprise a massive investment component financed by the Union budget as of 2021, and calls, therefore, for the 2021 budget to be an important part of this recovery plan;
6. Believes that the recovery plan needs to be built on the European Green Deal and digital transformation of our societies to rebuild our economy, ensure resilience and inclusion, while respecting planetary boundaries, protect people's wellbeing and health from further risks and environmental impacts, create high-quality jobs and ensure social, economic and territorial cohesion and convergence, notably through investment in SMEs and the sectors most affected by the crisis such as tourism, and in the development of sustainable public infrastructure and services and of the strategic sectors, such as the health sector, that tackle the crisis on the front line; calls on the Commission to introduce a draft 2021 budget that is in line with these priorities;
7. Considers that the EU budget's revenue side must be seen as a tool for the achievement of EU policies; underlines that, in order to cover supplementary expenditure incurred by the crisis and to mitigate the predominance of the GNI contributions in the EU budget, new additional own resources flowing directly into the EU budget as general revenue will need to play a key role as of 2021; considers that the absence of fresh new own resources will have negative political consequences on the 2021 Union budget and jeopardise the new political agenda of the Commission; considers, in this context, the Commission's proposals on own resources from May 2018 as a good starting point that needs to be broadly deepened in the light of the current challenges and crisis; recalls, as expressed in its interim report of 14 November 2018 and its resolution of 10 October 2019, that the European Parliament will not give its consent to the 2021-2027 MFF without an agreement on the reform of the EU own resources system, including the introduction of a basket of new own resources;
8. Is convinced that the current crisis should not undermine the ambition of moving towards the objective of achieving climate neutrality by 2050, requiring a cut in greenhouse gas emissions by 55 % compared with 1990 levels by 2030; recalls that the 2019 Emissions Gap Report of the UN Environment Programme (UNEP) calls for a global reduction of greenhouse gases of 7,6 % each year to limit the temperature rise to under 1,5 °C, meaning a reduction of approximately 6,8 % each year at EU level; highlights that it represents an enormous challenge, notably with regard to the much-needed sustainable, socially just transition, which should take into account the different starting points of the EU regions and Member States and be accompanied by job creation on a massive scale; insists that in order to succeed in this unprecedented challenge in only ten years, urgent action is needed, backed by a strong EU budget as of 2021;

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9. Is concerned about further economic, social and political consequences of the crisis if the EU does not equip itself quickly with new and efficient tools to protect social cohesion, preserve jobs and prevent massive layoffs; welcomes, in this context, the proposal for a Support to mitigate Unemployment Risks in an Emergency (SURE) programme and the commitment by the President of the Commission to present a legislative proposal for a European Unemployment Benefit Reinsurance scheme with a view to implementing it as soon as possible;

***...in order to provide solutions to exacerbated social, environmental, economic and financial challenges***

10. Welcomes the Commission's proposals for the European Green Deal and the Sustainable Europe Investment Plan;

11. Notes, however, that in order to attain the 40 % greenhouse gas (GHG) emissions reduction target by 2030, and the upcoming raising of this ambition, the Commission has estimated that it will be necessary to bridge a funding gap of at least EUR 260 billion every year plus additional costs for environmental protection, resource management and social adaptation measures; believes that in order to help reduce the EU's GHG emissions and overall carbon footprint, a carbon border adjustment mechanism (CBAM), the EU Emissions Trading System (ETS) and EU climate law should fully contribute to a quantum leap in political and financial efforts; considers that a just transition, as an inherent part of the answer to the crisis, requires just and adequate funding;

12. Reiterates that Parliament's mandate for the MFF was set in its interim report of 14 November 2018 on ceilings, programme allocations, own resources and flexibility provisions, the mid-term revision and horizontal principles, such as mainstreaming the Sustainable Development Goals (SDGs) and climate and gender equality; notes that the outcome of the MFF negotiations will largely determine the funding level of EU programmes for the next period and reiterates its position that commitment appropriations for the 2021-2027 period should be set at EUR 1 324,1 billion in 2018 prices, which would represent 1,3 % of the EU-27's gross national income (GNI); reflecting this position, is determined to defend a 2021 budget of EUR 192,1 billion in current prices in commitment appropriations; underlines that major additional appropriations on top of this position are required to respond to the ongoing crisis;

13. Recalls its position that the 2021-2027 MFF climate and biodiversity mainstreaming targets must go beyond the levels of targeted spending shares as set out in its interim report; aims, therefore, to achieve a biodiversity spending level of 10 % and a climate mainstreaming spending level of 30 % for 2021; reiterates its call on the Commission to lay down clear eligibility criteria for a new stringent and comprehensive methodology, in the form of a Framework Regulation, for defining and tracking relevant climate and biodiversity expenditure in line with the 'do no harm' principle, together with the corresponding correction measures, where relevant, and the proofing mechanism to identify potential harmful impacts of EU actions on biodiversity and climate in keeping with its commitments under the Paris Agreement and its call for a progressive phase-out of direct and indirect fossil fuel subsidies;

14. Supports the mobilisations of funds and the flexibility to mobilise funds for research and development (R&D) to COVID-19-related measures such as the development of vaccines, new treatments, diagnostic tests and medical systems to prevent the spread of the coronavirus and save lives;

15. Strongly underlines that the Union's climate goals require sustainable and long-term solutions; highlights the paramount role of R&D in finding effective, realistic and implementable solutions for citizens, businesses and society; underlines that Horizon Europe will be the main programme for developing new solutions for the climate; requests increased funding for all contributing R&D programmes in order to establish the Union as a global leader for green technologies and strengthen its global competitiveness on a greater scale, to reduce its dependency on foreign key technologies, to become a leader in information and communication technologies (ICTs), artificial intelligence (AI) and cybersecurity, to develop new treatments for serious diseases such as cancer, and to build up supercomputing and data processing capacities;

16. Notes with great concern that many excellent proposals for research cannot be implemented, not because of bad quality, but due to significant under-funding of the relevant programmes; stresses that research and innovation are very competitive markets, with researchers being drawn to other regions of the world as a result of the unavailability of funding opportunities in Europe; underlines that the UK will move from being the main beneficiary of many Union R&D

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programmes to being a strong competitor; invites the Council to take into account the fact that every gap of EUR 10 billion in Horizon Europe will result in a GDP loss of EUR 110 billion over the next 25 years; concludes that low budgetary ambitions for R&D would contradict any pledge favourable to competitiveness or fighting climate change, particularly regarding the efforts that still lie ahead to meet the Europe 2020 target of 3 % GDP;

17. Underlines that transport infrastructure investment can meet both objectives of supporting EU's economy in the current context and efforts to fight climate change, as well as the to shift to sustainable mobility, relying in particular on the completion of the Trans-European Transport Network (TEN-T), the Shift2Rail and the Connecting Europe Facility (CEF) policies; calls on the Commission to align all CEF projects with the Paris Agreement objectives;

18. Reiterates that a competitive space industry is vital for the business landscape of Europe by providing high-quality jobs, significant R&D activities and ensuring the autonomy of a European satellite infrastructure; highlights the benefits of data generated in space as an essential tool for land and environmental monitoring;

19. Stresses that small and medium sized enterprises (SMEs) make up 99 % of all companies in the Member States and contribute significantly to the creation of jobs, economic stability and, increasingly, to sustainability efforts, and that these companies are most likely to be the most affected by the economic downturn resulting from the COVID-19 outbreak; stresses that SMEs face difficulties in finding financing opportunities and recalls the role of the EU programme for the Competitiveness of Enterprises and SMEs (COSME) in this regard; recalls Parliament's position on doubling the financial envelope of its successor's lines within the Single Market programme for the next MFF, which is expected to allow for a success rate of high-quality proposals of at least 80 %; stresses that financial support for SMEs should also be channelled through the InvestEU SMEs window, to make products and services market ready and enable their rapid scaling up on global markets; reiterates the need to further expand opportunities to create and scale up start-ups and to put special emphasis on the digital transformation of SMEs, also supported by the Single Market Gateway as an e-government business facilitator, in compliance with ambitious consumer protection policies, as well as their ecological transition; welcomes, furthermore, in this context, the various initiatives from the European Investment Bank (EIB) group, namely the mobilisation of EUR 40 billion for impacted SMEs, the EUR 5 billion available for companies in the health sector and the EUR 25 billion guarantee fund to be financed by its shareholders;

20. Stresses that the ongoing crisis will affect many regions and sectors considerably; in this context, is convinced that cohesion policy will play a key role and be more than ever before essential to stimulate the economic recovery in all EU territories, strengthen the economic, social and territorial cohesion of the Union and will require additional funding and more flexibility to respond to the complex environmental, social, economic and demographic challenges ahead; underlines that, if the adoption of the 2021-2027 MFF and the relevant legal basis are delayed, a transitional period between the two programming periods will be indispensable;

21. Believes that tourism, as one of the sectors most affected by the crisis, needs a comprehensive strategy supported by a specific allocation through a separate EU programme in the next MFF; insists that particular attention and support should be given to small and family-run businesses, especially in the cases of agri-tourism and small hospitality providers who will face more difficulties in complying with new safety standards, as well as insular regions and ultra-peripheral regions;

22. In the light of the immediate and long-term major negative social impacts of the current situation, underlines the importance of fully implementing the European Pillar of Social Rights in the 2021 EU budget and the crucial role of strengthened EU social actions, notably the European Social Fund+, in the economic recovery, and, in particular, to tackle unemployment among young people and the elderly, child poverty, the risk of poverty and social exclusion, discrimination, to ensure a reinforced social dialogue, addressing long-term structural demographic change and guarantee access for all, and especially for ageing populations, to vital and key services such as healthcare, mobility, adequate nutrition and decent housing;

23. Calls for the 2021 budget to pay particular attention to the needs of and relations with the Overseas Countries and Territories (OCTs), as they can be particularly vulnerable to the adverse impact of climate change; stresses, furthermore, that access to funding for the OCTs must be improved as they possess limited administrative resources and expertise owing to their special status and size;



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24. Stresses that internal security is an integral part of EU citizens' expectations of a Union that protects; underlines that security threats such as terrorist attacks, cross-border organised crime, and new types of criminal activity such as cybercrime, pose an ongoing threat to the cohesion of the European Union and require a strong, coordinated European response; believes that this requires intensified cross-border cooperation between competent authorities; stresses that strengthening and modernising IT systems with a focus on better interoperability of systems, facilitated access and readability of data are mandatory to ensuring effective and rapid cooperation between police, judicial and other competent authorities; takes note that the Commission is expected to launch a new Security Union Strategy in 2021, which will comprise a set of initiatives in key areas related to these threats;

25. Calls on the Commission to allocate the necessary budget in order to ensure that the EU civil protection mechanism has a greater capacity, so that the EU will be better prepared and able to respond to all types of natural disasters, pandemics and emergencies, such as chemical, biological, radiological and nuclear emergencies; reiterates the importance of the EU civil protection mechanism to better protect citizens from disasters;

26. Stresses the success of the Erasmus+ Programme in enhancing youth mobility, training and skills; highlights the need to adequately fund the programme, inter alia, to make it accessible to people from all backgrounds and age groups;

27. Recalls that the promotion of European values and cultures plays an active role in supporting democracy, non-discrimination and gender equality, and tackling disinformation and fake news; stresses, in this respect, the need to provide sufficient funding for Justice, Rights and Values programmes and to reinforce the resources dedicated to supporting victims of gender-based violence within this programme; underlines that the cultural and creative sectors, as well as tourism, are and will be among the main sectors that are victims of the crisis the EU is experiencing; calls for emergency measures for those sectors and a strengthening of the Creative Europe programme;

28. Expects a strong EU mechanism on democracy, the rule of law and fundamental rights to be in place by 2021; stresses that the 2021-2027 MFF should include a conditionality clause for the protection of democracy, the rule of law and fundamental rights, which would guarantee that in order to benefit from EU funding, Member States must fully comply with Article 2 of the Treaty on European Union;

29. Considers that the European Solidarity Corps is a fundamental tool for promoting civic engagement across the Union and strengthening Union citizenship; insists that the 2021 budget for the European Solidarity Corps be commensurate with the many expectations it has raised among young people across Europe, particularly in the volunteering strand; calls for sufficient funding to be allocated to cover the high demand for volunteering placements;

30. Calls for sufficient funding to be provided as a priority to support the activity of civil society organisations and other stakeholders active in promoting rights and strengthening and promoting Union values and the rule of law, including through the future Citizens, Equality, Rights and Values programme, in times when a shrinking space for civil society is being witnessed in several Member States;

31. Stresses the worrying and increasing backlash against gender equality and women's rights and the importance of EU instruments, including the Neighbourhood, Development and International Cooperation Instrument (NDICI), to combat this situation; regrets that the Commission did not include a specific programme on gender equality in its proposal, and calls for ambitious and specific budget allocations to support women human rights defenders and the protection and promotion of sexual and reproductive health and rights; stresses, therefore, the need to reinforce budgetary allocations that support universal respect for and access to sexual and reproductive health and rights;

32. Points out that the common agricultural policy (CAP) and the common fisheries policy (CFP) are cornerstones of European integration, which aim to ensure a safe, high-quality food supply and food sovereignty for Europeans, the proper functioning of food markets, the sustainable development of rural regions, generational renewal and the sustainable management of natural resources and the preservation of biodiversity; recalls the key role of these policies in contributing to stable and acceptable earnings for farmers and fisherwomen and fishermen, especially in the current difficult context; recalls its position for the 2021-2027 MFF negotiations to preserve the budgets for the CAP and CFP; asks for the reinforcement of these policies and for particular attention to be paid to small-scale agriculture and small fisheries; takes note that the CAP, together with other Union policies, will have an important role to play in fulfilling the Green Deal ambitions;



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33. Calls on the Commission to take into account in its proposal and subsequent amending act for the draft 2021 budget, the outcome of the political agreement to be reached on the transitional measures for the year 2021 (set out in the Commission's proposal of 31 October 2019 (COM(2019)0581)); further calls on Member States to ensure the timely allocation of sufficient resources for the continued improvement of the quality of data and indicators reported to the Union in order to fully comply with the 'EU Budget Focused on Results' (BFOR) initiative; insists on the high quality of data and indicators to properly assess the CAP;

34. Takes note of the most recent developments with regard to the migration situation at the EU's external border with Turkey, leading to the recent adoption of an amending budget 1/2020 in order to respond to the increased migration pressure; underlines that an adequate level of resources needs to be secured in the 2021 budget in anticipation of a possible continuation or even deterioration of this situation; recalls the need for solidarity and cooperation among all Member States in this field and for a common asylum policy; stresses the additional needs resulting from the COVID-19 outbreak to adopt specific measures for migrants as particularly vulnerable people, including preventive evacuation and relocation; recalls the regular need to reinforce the Asylum and Migration Fund over the last period to help Member States to cope with the refugee crisis, and to mobilise the special instruments for that purpose because the ceiling under heading 3 was too low, or through amending budgets; expects Member States to understand their own interests and to compensate for the effect of the delay in the adoption of the Dublin IV regulation by supporting the necessary appropriations and implementing the solidarity principle in this field; recalls the need for adequate funding to improve migrants' and refugees' living conditions in EU refugee camps, for law enforcement, training for border personnel and coastguards, and for effective measures for the integration of migrants and refugees;

35. Points out that well-managed legal migration is important to ensure an adequate response to the evolving labour market;

36. Notes that Turkey continues to host the largest refugee population in the world and that discussions are currently ongoing as to how the EU should continue its support to Turkey after the end of its commitments made under the EU Facility for Refugees in Turkey;

37. Stresses that immediate solidarity measures, in particular a relocation programme, should be introduced pending meaningful reform of the EU's asylum rules; requests, furthermore, that funding remain envisaged in the EU budget for the support of refugees in Turkey;

38. Calls for an ambitious 2021 budget in EU's external policies that would enable the Union to rise to the challenges it faces; recalls that peace and solidarity constitute core values that should be consistently supported by the EU budget; emphasises the need to increase the funding for the countries of the Western Balkans and for the Eastern and Southern Neighbourhood in order to support political and economic reforms, as well as for other regions in need of financial support for their development;

39. Believes that the Instrument for Pre-Accession Assistance (IPA III) should focus its funding on the areas of the functioning of democratic institutions, the rule of law, good governance and public administration; welcomes the green light to opening accession negotiations with Albania and North Macedonia, and calls for adequate financial provisions in order to support political reforms and alignment with the *acquis*;

40. Underlines that financial allocations under the IPA III should be conditional on respect for European values such as the rule of law, the independence of the judiciary, the democratic process, respect for fundamental values and good neighbourly relations; calls on the Commission to monitor the implementation of conditionality; asks the Commission to use the funds currently allocated under IPA III to support, through direct management 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;

41. Stresses that Parliament's first reading position on the NDICI was adopted on 4 March 2019, and its mandate regarding the NDICI was reconfirmed on 8 October 2019; recalls its position in favour of a contribution of 45 % of the overall financial envelope of the NDICI to climate objectives, environmental management and protection, biodiversity and combating desertification, and addressing the root causes of migration and forced displacement, and puts a strong focus on the promotion of democracy, the rule of law and human rights, including the rights of women, children, refugees, displaced people, LGTBI persons, persons with disabilities and indigenous peoples and ethnic and religious minorities;

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42. Recalls that the long-lasting solution to the current migration phenomenon lies in the political, economic and social development of the countries from which migration flows originate; calls for the respective external policy programmes to be endowed with sufficient financial resources to support fair and mutually beneficial partnerships between the EU and countries of origin and countries of transit, including those on the African continent; in the same context, in view of the difficult financial situation faced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), calls on the EU to step up its financial support to the Agency in 2021, in order to preserve the uninterrupted provision of vital services to millions of Palestinian refugees;

43. Is concerned at the rapid worldwide spread of the COVID-19 pandemic and its impact on the affected countries; is convinced that international cooperation is crucial to overcoming this global crisis; believes that the EU should take the lead in the global efforts to contain the pandemic and mitigate its impact; believes that the Union must show solidarity with affected third countries, including by mobilising additional resources, to help them rebuild their economies, mitigate the socio-economic impact of the crisis and strengthen the capacities of public health systems worldwide;

44. Recalls that human rights are an integral part of the EU's external action policy; reiterates the need for increased funding dedicated to supporting human rights worldwide, with a particular focus on the protection of human rights defenders, in particular those most at risk; stresses, in this regard, the need to continue the Human Rights Defenders Mechanism (Protectdefenders.eu) and to increase the funding dedicated to it; believes that the EU should strictly refrain from budget support as a means of providing assistance in countries which grossly fail to meet international standards in the field of human rights and democracy, or which fail to demonstrate their commitment to fighting corruption; highlights the importance of election observation missions, particularly by local civil society groups, and calls for an appropriate level of funding;

45. Calls for further funding for strategic communication actions to counter disinformation campaigns, which are increasingly being used to undermine democratic order in the Union and in countries in the Union's near neighbourhood; highlights the importance of the flagship project of the European External Action Service's 'East StratCom Task Force — EUvsDisinfo' in the fight against disinformation, propaganda and foreign influence;

46. Emphasises the importance of providing adequate financial support to frame a genuine European Defence Union, promote strategic autonomy and bolster the EU's role at global level; stresses in particular the importance of maintaining its position regarding the amounts for the European Defence Fund (EDF) and for military mobility; stresses that continued support to and enhanced coordination of defence-related policy and actions under the European Defence Agency (EDA), Permanent Structured Cooperation (PESCO), the EDF and other initiatives should be ensured; urges the Commission to provide for the funding of the administrative and operating expenditure of the EDA and PESCO from the Union budget, thereby restoring Parliament's budgetary function as provided for by Article 41 of the TEU;

47. Reiterates that the new External Financing Instruments (EFI) architecture should enhance coherence, accountability, efficiency and democratic oversight; emphasises the need for a greater role for Parliament in the strategic steering of the new instruments; expects to be involved from an early stage in the (pre-)programming of the new instruments;

48. Urges the Commission to assess and prepare for all possible scenarios to ensure the sound financial management of the Union budget, defining clear commitments and outlining mechanisms and protecting the EU budget; calls on the Commission to ensure that the future participation of UK in EU programmes respects a fair balance as regards the contributions and benefits;

49. Expresses its intention for the United Kingdom to remain as close a partner in as many EU programmes as possible, in particular Erasmus+ and Horizon Europe;

50. Recalls the pivotal role played by EU agencies in the implementation of EU policy objectives and reaffirms the importance of endowing these bodies with sufficient and predictable funding and staff for the efficient running of their duties, while rejecting any unjustified and arbitrary cuts to their budgets in real terms; highlights the key role performed by the European Environment Agency in developing awareness with regard to climate change, the European Labour Authority in promoting labour mobility, as well as the European Asylum Support Office and the Fundamental Rights Agency in supporting asylum seekers looking for protection in Europe;

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51. At the same time, stresses the strong need to combat human trafficking and smuggling, as well as to support EU Justice and Home Affairs agencies, which provide assistance to Member States on external borders, such as the European Border and Coast Guard Agency (Frontex); takes note of the role that Frontex is called on to play in the context of the current migration crisis taking place at the EU's external borders with Turkey; calls for appropriate funding levels for border management in the 2021 budget;

52. Notes that agencies operating in the area of security, law enforcement and criminal justice cooperation are being assigned an increasing number of tasks; requests increased financial resources and staff posts for these agencies, in particular for the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Police Office (Europol), the European Police College (CEPOL), the European Union Agency for Cybersecurity (ENISA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), as well as adequate funding and staff for those that will be working on money laundering and terrorism financing;

53. Is concerned about the insufficient level of funding and staff provided to the European Public Prosecutor's Office (EPPO) in the course of the 2020 budgetary procedure and, with a view to 2021, calls on the Commission to increase staff and resources for this institutional body and to protect its budgetary autonomy; underlines that the establishment of the EPPO must not result in the a deterioration of the capacity of the European Anti-Fraud Office (OLAF) to function properly;

54. As a result of the recent COVID-19 outbreak in Europe and of the need for a prompt, coordinated and coherent EU response, urgently calls on the Commission to provide adequate and necessary funding to the relevant EU agencies which need to work and support the Commission and the Member States in the effort to tackle this pandemic, in particular the European Centre for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA); insists that the Commission and the Council refrain from cutting the resources of the European Chemicals Agency (ECHA) and the European Food Safety Authority (EFSA);

55. Underlines the need to substantially reinforce the European Agency for the Cooperation of Energy Regulators (ACER), taking into account the additional tasks conferred on it through recent legislation, including the Clean Energy Package; recalls, furthermore, the need for additional resources for the Agency for Support for BEREC (BEREC Office) to carry out its tasks enshrined in the BEREC Regulation and the European Electronic Communications Code;

56. Recalls that no Union policy, whether to cope with the COVID-19 crisis or to implement the European Green Deal, can be properly implemented without the support of a dedicated Union civil service and sufficient funding;

57. Believes, in the ongoing political and economic context, that the Conference on the Future of Europe should be adequately supported, also on the budgetary side, and that the Commission, among other institutions involved in this project, should be equipped with the necessary means to make a success of it;

58. Asks the Commission to lead by example in ensuring high-quality and socially responsible procurement, so that contracts are awarded to companies respecting environmental and core labour standards, and in enforcing improved and stricter criteria to prevent conflicts of interest;

59. Calls for a gender-responsive evaluation of the previous budgetary period and the implementation of gender budgeting in the 2021 EU budget; expects, therefore, the Commission to include in its draft budget an annex that draws together gender-specific information on objectives, inputs, outputs and results, and that presents financing commitments for gender equality and the related tracking measures;

#### ***A sufficient and realistic level of payments***

60. Is determined to avoid a new payment crisis, especially in the context of the COVID-19 pandemic; reiterates that the overall payment ceiling must also take into account the unprecedented volume of outstanding commitments at the end of 2020 to be settled under the next MFF; further notes that the focus of payment appropriations in 2021 will largely be on completion of 2014-2020 programmes; insists, however, that this should not hinder the launch of new programmes;

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61. Insists, therefore, in line with the 2020 measures, on the need to keep ensuring a high level of liquidity to Member States as part of the response to COVID-19 pandemic;
62. Underlines that cooperation between Member States in the field of taxation incomes would bring back to their national budgets much more than would any cut to expenditure in the EU annual budgets;
63. Calls on the Commission to ensure that no EU funding is granted to any parties subject to EU restrictive measures (including contractors or subcontractors, participants in workshops and/or training courses, and recipients of financial support to third parties);
64. Is convinced that any legal person who is a beneficial owner of legal entities receiving funds from the EU budget must be prohibited from receiving any funds from the existing, as well as the future European budget under the rules of the Regulation on the Multiannual Financial Framework for 2021-2027, including direct agricultural payments and any disbursements, expenditures, guarantees or other benefits dealt with therein if they are in a clear conflict of interests as defined in Article 61 of the Financial Regulation (EU, Euratom) 2018/1046;
65. Reiterates its long-standing view that new political priorities and upcoming challenges for the EU should be financed by fresh appropriations and not by reducing the appropriations of existing programmes; considers that this principle should also apply to amending budgets;
66. Notes that, as the first year of the potentially agreed next MFF, the 2021 budget will be the first reflecting a new budgetary nomenclature; calls on the Commission to involve the budgetary authority appropriately in its preparation; believes that the new nomenclature, while being better aligned with the policy priorities, must be sufficiently detailed to allow the budgetary authority to fulfil its decision-making role effectively, and for Parliament in particular to fulfil its democratic oversight and scrutiny roles;
67. Notes that, as the arm of the budgetary authority directly elected by the citizens, Parliament will 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 strike the right balance between political will and technical feasibility, as assessed by the Commission;

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68. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.
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P9\_TA(2020)0170

## Administrative cooperation in the field of taxation: deferring certain time limits due to the COVID-19 pandemic \*

European Parliament legislative resolution of 19 June 2020 on the proposal for a Council directive amending Directive 2011/16/EU to address the urgent need for deferring certain time limits for the filing and exchange of information in the field of taxation due to the COVID-19 pandemic (COM(2020)0197 — C9-0134/2020 — 2020/0081(CNS))

(Special legislative procedure — consultation)

(2021/C 362/45)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2020)0197),
  - having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0134/2020),
  - having regard to Rules 82 and 163 of its Rules of Procedure,
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### Amendment 2

#### Proposal for a directive

#### Recital 5

*Text proposed by the Commission*

- (5) In order to determine the length of the deferral, it is necessary to consider that this aims to address an exceptional situation and should not disrupt the established structure and functioning of Directive 2011/16/EU. Consequently, it would be appropriate to limit the deferral to a duration that is proportional to the difficulties caused by the COVID-19 pandemic for filing and exchanging information.

*Amendment*

- (5) In order to determine the length of the deferral, it is necessary to consider that this aims to address an exceptional situation. **It should not undermine the Union policy to combat tax evasion, tax avoidance and aggressive tax planning through the exchange of information between tax administrations and therefore** should not disrupt the established structure and functioning of Directive 2011/16/EU. Consequently, it would be appropriate to limit the deferral to a duration that is proportional to the difficulties caused by the COVID-19 pandemic for filing and exchanging information.

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**Amendment 3**  
**Proposal for a directive**  
**Recital 6**

Text proposed by the Commission

Amendment

- (6) *Considering the current uncertainty about the evolution of the COVID-19 pandemic, it would also be useful to provide for the possibility of one further extension of the deferral period for the filing and exchange of information. This would be necessary if during part or all of the period of deferral, the exceptional circumstances of severe risks for public health caused by the COVID-19 pandemic persist and Member States have to either implement new or continue existing lockdown measures. Such extension should not disrupt the established structure and functioning of Council Directive 2011/16/EU. Rather, it should be of a limited and pre-determined duration in proportion to the practical difficulties caused by the temporary lockdown. The extension should not affect the essential elements of the obligation to report and exchange information under this Directive. It may merely extend the deferral of the time limit for complying with such obligations while ensure that no information remains without eventually being exchanged.*

*deleted*

**Amendment 4**  
**Proposal for a directive**  
**Article 1 — point 2**  
 Directive 2011/16/EU  
 Article 27b

Text proposed by the Commission

Amendment

**Article 27b**  
*deleted*

**Extension of the period of deferral**

*The Commission shall be empowered to adopt a delegated act, in accordance with Article 27c, in order to extend the period of deferral for filing and exchanging information, as provided for in paragraphs 12 and 18 of Article 8ab and in Article 27a, for a maximum of 3 additional months.*

*The Commission may only adopt the delegated act mentioned in the first subparagraph if during part or all of the period of deferral, the exceptional circumstances of severe risks for public health caused by the COVID-19 pandemic persist and Member States have to implement lockdown measures.*



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**Amendment 5**  
**Proposal for a directive**

**Article 1 — point 2**

Directive 2011/16/EU

Article 27c

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Text proposed by the Commission

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Amendment

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**Article 27c**

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**deleted**

**Exercise of delegation**

1. *The power to adopt the delegated act referred to in Article 27b shall be conferred on the Commission subject to the conditions laid down in this Article.*
  2. *The power to adopt the delegated act referred to in Article 27b shall be conferred on the Commission only for the period of deferral of the time limits for filing and exchanging information, as provided for in paragraphs 12 and 18 of Article 8ab and in Article 27a.*
  3. *The delegation of power referred to in Article 27b may be revoked at any time 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 the delegated act if already in force.*
  4. *Before adopting the delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on better law making of 13 April 2016.*
  5. *As soon as it adopts the delegated act, the Commission shall notify it to the Council. The notification of the delegated act to the Council shall state the reasons for the use of the urgency procedure.*
  6. *The delegated act adopted pursuant to Article 27b shall enter into force without delay and shall apply as long as no objection is expressed by the Council. The Council may object to the delegated act within five working days of the notification of that act. In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the Council.*
  7. *The European Parliament shall be informed of the adoption of a delegated act by the Commission, of any objection formulated to it and of the revocation of a delegation of powers by the Council.*
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Friday 19 June 2020

P9\_TA(2020)0171

**Exceptional temporary support under EAFRD in response to the COVID-19 outbreak (amendment of Regulation (EU) No 1305/2013) \*\*\*I**

European Parliament legislative resolution of 19 June 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1305/2013 as regards specific measures to provide exceptional temporary support under EAFRD in response to the COVID-19 outbreak (COM(2020)0186 — C9-0128/2020 — 2020/0075(COD))

(Ordinary legislative procedure: first reading)

(2021/C 362/46)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0186),
  - 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 (C9-0128/2020),
  - 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 <sup>(1)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 4 June 2020 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 163 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.

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**P9\_TC1-COD(2020)0075**

**Position of the European Parliament adopted at first reading on 19 June 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council amending Regulation (EU) No 1305/2013 as regards a specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the COVID-19 outbreak**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2020/872.)

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<sup>(1)</sup> Opinion of 11 June 2020.

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P9\_TA(2020)0172

**European citizens' initiative: temporary measures concerning the time limits for the collection, verification and examination stages in view of the COVID-19 outbreak \*\*\*I**

Amendments adopted by the European Parliament on 19 June 2020 on the proposal for a regulation of the European Parliament and of the Council laying down temporary measures concerning the time limits for the collection, verification and examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak (COM(2020)0221 — C9-0142/2020 — 2020/0099(COD)) <sup>(1)</sup>

(Ordinary legislative procedure: first reading)

(2021/C 362/47)

**Amendment 6****Proposal for a regulation****Recital 1**

*Text proposed by the Commission*

- (1) On 11 March 2020, the World Health Organization announced that the COVID-19 outbreak had become a worldwide pandemic. The Member States have been affected in a dramatic and exceptional way by the consequences of that pandemic. They have taken a series of restrictive measures to stop or slow down the transmission of COVID-19, including lockdown measures to restrict the free movement of their citizens, the prohibition of public events, and the closure of shops, restaurants and schools. Those measures have led to a **near** standstill of public life in almost all Member States.

*Amendment*

- (1) On 11 March 2020, the World Health Organization announced that the COVID-19 outbreak had become a worldwide pandemic. The Member States have been affected in a dramatic and exceptional way by the consequences of that pandemic. They have taken a series of restrictive measures to stop or slow down the transmission of COVID-19, including lockdown measures to restrict the free movement of their citizens, the prohibition of public events, and the closure of shops, restaurants and schools. Those measures have led to a standstill of public life in almost all Member States.

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

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**Amendment 7**  
**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

- (6) Member States have indicated that they will only gradually reduce the level of restrictions introduced by the measures in response to the COVID-19 pandemic, in order to monitor and control the public health situation. An extension of the period for the collection of statements of support by six months, covering the period starting from 11 March 2020, when the World Health Organization announced that the outbreak had become pandemic, is therefore appropriate. That extension is based on the assumption that at least in the first six months since 11 March 2020 **a majority** of Member States or a number of Member States representing more than 35 % of the Union population will have measures in place that will substantially hamper the organisers' possibilities to carry out local campaigning and collect paper statements of support. The collection period of initiatives the collection of which was ongoing on 11 March 2020 should therefore be extended by six months. Where the collection period of an initiative started after 11 March, that period should be extended proportionately.

*Amendment*

- (6) Member States have indicated that they will only gradually reduce the level of restrictions introduced by the measures in response to the COVID-19 pandemic, in order to monitor and control the public health situation. An extension of the period for the collection of statements of support by six months, covering the period starting from 11 March 2020, when the World Health Organization announced that the outbreak had become pandemic, is therefore appropriate. That extension is based on the assumption that at least in the first six months since 11 March 2020 **at least a quarter** of Member States or a number of Member States representing more than 35 % of the Union population will have measures in place that will substantially hamper the organisers' possibilities to carry out local campaigning and collect paper statements of support. The collection period of initiatives the collection of which was ongoing on 11 March 2020 should therefore be extended by six months. Where the collection period of an initiative started after 11 March, that period should be extended proportionately.

**Amendment 8**  
**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

- (7) Given that the end of the pandemic in the Union is difficult to predict, it is appropriate to empower the Commission to adopt implementing acts to further prolong the collection period in respect of initiatives, for which the collection period is still ongoing on 11 September 2020 in cases where the exceptional circumstances resulting from the COVID-19 pandemic continue to exist. The six-month extension of the collection period provided for by this Regulation should allow the Commission sufficient time to decide whether a further prolongation of the collection period is justified. The empowerment should also allow the Commission to adopt implementing acts to prolong the collection period in the case of a new public health crisis linked to a new outbreak of COVID-19, **if a majority** of Member States or a number of Member States representing more than 35 % of the Union population have taken measures that are likely to have the same effect.

*Amendment*

- (7) Given that the end of the pandemic in the Union is difficult to predict, it is appropriate to empower the Commission to adopt implementing acts to further prolong the collection period in respect of initiatives, for which the collection period is still ongoing on 11 September 2020 in cases where the exceptional circumstances resulting from the COVID-19 pandemic continue to exist. The six-month extension of the collection period provided for by this Regulation should allow the Commission sufficient time to decide whether a further prolongation of the collection period is justified. The empowerment should also allow the Commission to adopt implementing acts to prolong the collection period in the case of a new public health crisis linked to a new outbreak of COVID-19, **provided that at least a quarter** of Member States or a number of Member States representing more than 35 % of the Union population have taken measures that are likely to have the same effect.

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**Amendment 9****Proposal for a regulation****Article 2 — paragraph 1 — subparagraph 2 a (new)***Text proposed by the Commission**Amendment*

*The Commission shall inform the organisers and the Member States of the extension granted in respect of each initiative concerned and publish its decision in the online register referred to in Article 4(3) of Regulation (EU) 2019/788. It shall also publish the list of all such initiatives and the new collection period for each initiative in the Official Journal of the European Union.*

**Amendment 10****Proposal for a regulation****Article 2 — paragraph 2 — subparagraph 1***Text proposed by the Commission**Amendment*

(2) The Commission may adopt implementing acts to prolong the maximum collection periods of initiatives referred to in paragraph 1, **if a majority** of Member States or a number of Member States representing more than 35 % of the Union population continue to apply after 11 September 2020 measures in response to the COVID-19 pandemic which substantially hamper the possibility for organisers to collect paper statements of support and to inform the public of their ongoing initiatives.

(2) The Commission may adopt implementing acts to prolong the maximum collection periods of initiatives referred to in paragraph 1, **where at least a quarter** of Member States or a number of Member States representing more than 35 % of the Union population continue to apply after 11 September 2020 measures in response to the COVID-19 pandemic which substantially hamper the possibility for organisers to collect paper statements of support and to inform the public of their ongoing initiatives.

**Amendment 11****Proposal for a regulation****Article 2 — paragraph 2 — subparagraph 2***Text proposed by the Commission**Amendment*

The Commission may adopt implementing acts to prolong the maximum collection period of initiatives for which the collection is ongoing at the moment of a new COVID-19 outbreak **requiring a majority** of Member States or a number of Member States representing more than 35 % of the Union population **to** apply measures that affect organisers of those initiatives to the same extent.

The Commission may adopt implementing acts to prolong the maximum collection period of initiatives for which the collection is ongoing at the moment of a new COVID-19 outbreak **where at least a quarter** of Member States or a number of Member States representing more than 35 % of the Union population apply measures that affect organisers of those initiatives to the same extent.

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## Amendment 12

## Proposal for a regulation

## Article 2 — paragraph 2 — subparagraph 3

Text proposed by the Commission

Those implementing acts shall **be adopted in accordance with the advisory procedure referred to in Article 6(2) and shall identify which initiatives are concerned and the new end date of their collection period.**

Amendment

The implementing acts **referred to in the first and second subparagraphs shall identify the initiatives in respect of which the collection period is prolonged along with the new end date of their collection period and the results of the assessment referred to in the fifth subparagraph.**

**The implementing acts referred to in this paragraph shall be adopted in accordance with the advisory procedure referred to in Article 6(2).**

## Amendment 13

## Proposal for a regulation

## Article 2 — paragraph 2 — subparagraph 5

Text proposed by the Commission

For the purpose of assessing whether the **requirement** in the first and second **subparagraph is fulfilled, the Member States shall provide the Commission, upon request, with information on the measures that they have taken or intend to take in response to the COVID-19 pandemic.**

Amendment

**The Member States shall provide the Commission, upon request, with information on the measures that they have taken or intend to take in response to the COVID-19 pandemic or in response to a new COVID-19 outbreak.**

For the purpose of assessing whether the **requirements** in the first and second **subparagraphs are fulfilled, the Commission shall adopt implementing acts laying down the detailed criteria for such assessment.**

## Amendment 14

## Proposal for a regulation

## Article 4 — paragraph 1

Text proposed by the Commission

(1) Notwithstanding Articles 14(2) and 15(1) of Regulation (EU) 2019/788, where the European Parliament or the Commission have encountered difficulties since 11 March 2020 in organising a public hearing or a meeting with organisers, respectively, because of the measures taken in response to the COVID-19 pandemic by the Member State where those institutions intend to organise the hearing or meeting, they shall organise the hearing or the meeting as soon as the public health situation in the Member State concerned makes it possible to do so.

Amendment

(1) Notwithstanding Articles 14(2) and 15(1) of Regulation (EU) 2019/788, where the European Parliament or the Commission have encountered difficulties since 11 March 2020 in organising a public hearing or a meeting with organisers, respectively, because of the measures taken in response to the COVID-19 pandemic by the Member State where those institutions intend to organise the hearing or meeting, they shall organise the hearing or the meeting as soon as the public health situation in the Member State concerned makes it possible to do so, **or, in the event that the organisers agree to participate remotely in the hearing or meeting, as soon as they are able to agree with the institutions on a date for it.**



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