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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 23 to 26 November 2020

TEXTS ADOPTED

Wednesday 24 November 2020

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2020)0314

Tackling homelessness rates in the EU

European Parliament resolution of 24 November 2020 on tackling homelessness rates in the EU (2020/2802(RSP))

(2021/C 425/01)

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union, and to Articles 4, 9 and 151 of the Treaty on the Functioning of the European Union,
- having regard to the United Nations Sustainable Development Goals (SDGs) adopted by world leaders in September 2015 and endorsed by the Council, in particular SDGs 1, 3, 8 and 11,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 on non-discrimination, Article 26 on the integration of persons with disabilities and Article 34(3) on the Union's recognition and respect of the right to social and housing assistance,
- having regard to the European Social Charter signed at Turin on 18 October 1961,
- having regard to the European Pillar of Social Rights, in particular its Principle 19 on housing and assistance for the homeless,
- having regard to the 1989 Community Charter of the Fundamental Social Rights of Workers,
- having regard to the EU country-specific recommendations of 25 May 2018 on housing in all 28 Member States,
- having regard to the Geneva UN Charter on Sustainable Housing and its aim to 'ensure access to decent, adequate, affordable and healthy housing for all',
- having regard its legislative resolution of 10 July 2020 on the proposal for a Council decision on guidelines for the employment policies of the Member States ⁽¹⁾,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽²⁾,

⁽¹⁾ Texts adopted, P9_TA(2020)0194.

⁽²⁾ Texts adopted, P9_TA(2020)0054.

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- having regard to its resolution of 10 October 2019 on employment and social policies of the euro area ⁽³⁾,
 - having regard to its legislative resolution of 4 April 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+) ⁽⁴⁾,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received petition No. 0546/2020 and several other petitions raising concerns over the situation of more than 4 million homeless European citizens, and the number of homeless people in the EU has allegedly increased by over 70 % in the last 10 years;
- B. whereas homelessness is directly related to the difficulty of exercising other basic rights, such as access to health care, and homeless people are frequently the target of hate crimes and violence, including social stigmatisation;
- C. whereas these petitions call for a European Union that leaves no one behind and adopts urgent concerted action to take preventive measures to reduce the risk and magnitude of homelessness in a sustainable manner;
- D. whereas, in the hierarchy of human needs, housing provides space for life, thereby allowing other basic and higher needs to be fulfilled;
- E. whereas the European Union should combat social exclusion and discrimination, and promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child;
- F. whereas in defining and implementing its policies and activities, the Union must take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, social housing policies and a high level of education, training and protection of human health;
- G. whereas the absence of a single widely adopted definition of homelessness and housing exclusion in the EU makes it difficult to assess the extent of homelessness across the EU Member States;
- H. whereas homelessness rates have increased over the last decade in a number of EU Member States; whereas the causes of such an increase are a combination of rising housing costs, the impact of the economic crisis, the reduction of social protection and the inadequacy of policies to address homelessness in many Member States; whereas house prices rose by 5 % in the euro area (EA19) and by 5,2 % in the EU27 in the second quarter of 2020 compared with the same quarter of the previous year;
- I. whereas the EU has no direct competence over housing policy, but it can affect housing conditions in the Member States indirectly through regulations, such as state aid rules, fiscal law and competition law, and measures such as recommendations and guidelines;
- J. whereas the European Social Fund was established in order to improve employment opportunities for workers in the internal market and to contribute thereby to raising the standard of living and helping homeless people to move into social housing;
- K. whereas other European structural and investment funds such as the ERDF have been used for housing projects and addressing the needs of deprived communities;
- L. whereas the Fund for European Aid to the Most Deprived supports Member States' actions to provide food and/or basic material assistance to the most deprived;
- M. whereas homelessness has been increasingly mentioned in the latest European Semester reports;

⁽³⁾ Texts adopted, P9_TA(2019)0033.

⁽⁴⁾ Texts adopted, P8_TA(2019)0350.

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- N. whereas the social costs of not tackling homelessness are especially high in the justice and health domains;
- O. whereas welfare policies, based on broad universal provisions coupled with properly targeted measures, play a very important role in preventing homelessness;
- P. whereas evidence collected of the impact of the COVID-19 crisis on the affordability of housing in the EU indicates that, in the medium term, economic recession and the loss of jobs and income may further increase the housing cost overburden and homelessness rates in Europe;
- Q. whereas the profile of the homeless population has been changing and now includes more young people and children, the elderly, migrants, Roma and other disadvantaged minorities, with women and families increasingly at risk of homelessness;
- R. whereas having access to decent housing and being part of society is crucial in allowing people to realise their full potential and to contribute to society;
- S. whereas homelessness is generally triggered by a complex interplay of structural, institutional and personal factors;
- T. whereas homelessness and housing exclusion constitute a social problem for which a permanent solution should be found;
- U. whereas certain Member States criminalise homelessness and behaviour associated with homelessness;
- V. whereas in certain Member States homeless persons have constant access to shelter only during wintertime and not continuously throughout the year;
- W. whereas in certain Member States local social security services only play a passive role in assisting homeless persons to reintegrate into society;
1. Expresses its deepest concern about the situation of more than 4 million homeless European citizens as the ongoing health and economic crisis puts more people out of a job and makes more people dependent on social protection;
2. Recalls that access to housing is a fundamental human right for all people and calls on the EU and its Member States to end homelessness in the Union by 2030 and to set this as a goal at EU level; calls on the Commission to take stronger action to support Member States in reducing and eradicating homelessness as a priority in the context of the action plan on the European Pillar of Social Rights and in accordance with the United Nations SDGs;
3. Stresses that homelessness is identified as one of the most severe forms of poverty and deprivation that needs to be abolished by targeted and integrated policies conducted in a sustainable manner through addressing personal risk factors (such as individual vulnerabilities) and structural risk factors (such as housing and unemployment);
4. Calls on the Commission and the Member States to adopt a shared framework definition and coherent indicators on homelessness in the EU, which would enable a common understanding, systematic comparison and assessment of the extent of homelessness across different EU Member States;
5. Recalls that during the COVID-19 crisis the European Parliament provided shelter to 100 homeless women on its premises;
6. Points out the importance of strengthening data collection mechanisms, as homelessness rates could then be monitored systematically at EU level via bodies such as Eurostat;
7. Welcomes the work done by the European Platform against Poverty and Social Exclusion to support and address this situation as one of the flagship initiatives of the Europe 2020 strategy for smart, sustainable and inclusive growth;

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8. Calls on the Commission to propose an EU Framework for National Homelessness Strategies and further calls on the Member States to adopt the principle of Housing First, based on good practices by some Member States, which helps to substantially reduce the rate of homelessness by introducing determined action plans and innovative approaches; states that such innovative approaches are based on the concept of home as a fundamental human right and then develop broader socio-working integration pathways;
9. Welcomes the Commission's commitment to continue to target the reduction of homelessness through mainstreaming it into the relevant EU sectoral policies, especially — but not exclusively — in the regional development, health, human rights, youth, gender, migration and integration domains;
10. Calls on the Member States to assume their primary responsibility for tackling homelessness, to work on prevention and early intervention which are, in many ways, the most cost-effective and harm-minimising policies for confronting homelessness, and to assign a more proactive role to regional and local social security services in assisting homeless people with their reintegration into society;
11. Emphasises the need for inter-ministerial and intergovernmental collaboration in the development and implementation of such strategies, as well as the participation of key stakeholders, and encourages the exchange of best practices among Member States;
12. Calls on the Member States and the Commission to improve the collection of relevant and comparable data with the involvement of accredited non-governmental organisations and local authorities working in the field of poverty and social exclusion and in the provision of services for persons at risk of or experiencing homelessness;
13. Supports the tasks of the Social Protection Committee (SPC) where Member States work together with the Commission on homelessness-related issues through the Open Method of Coordination;
14. Asks the Commission to improve monitoring and governance and to continue to mobilise funding and EU policies relating to homelessness; calls on the Commission to ensure that regions and local authorities make use of ERDF resources for social housing;
15. Calls on the Member States to provide equal access to public services such as health care, education and social services;
16. Calls on the Member States to support the integration of homeless people into the labour market, via the provision of specialised and individualised support and reconciliation measures, integrated employment programmes and training, as well as other schemes tailored and targeted to facilitate their reintegration into the labour market; calls on the Commission and the Member States to ensure that the revised Youth Guarantee contributes to tackling youth homelessness;
17. Calls on the Commission and the Member States to duly implement the European Pillar of Social Rights that reflects the contributions received throughout the consultation period on Principle 19 by including 'Housing and assistance for the homeless' in its 2021 Action Plan, and insists that better use be made of the European Semester in order to ensure progress in tackling homelessness rates and housing exclusion;
18. Highlights that homeless people and other people in precarious housing situations are at particular risk due to the COVID-19 crisis; strongly urges the EU and its Member States to implement targeted measures to protect the homeless, to provide financial assistance to accredited NGOs and public-private partnerships, and to support local authorities in securing safe spaces and preventing evictions;
19. Calls on the Commission and the Member States to use the existing instruments, as well as instruments under the 2021-2027 MFF and the Recovery and Resilience Facility, to improve employment opportunities and social integration for jobless households;
20. Calls on the Member States to tackle the issue of homelessness urgently by adopting long-term, community-based, housing-led, integrated national homelessness strategies, as encouraged by the EU's social investment package;
21. Calls on the Council to report regularly on the results achieved in this field;

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22. Calls on the Member States to foster the social participation of all stakeholders in integrated homelessness strategies, and to promote social entrepreneurship and self-innovation activities to improve the active inclusion of homeless people;
 23. Calls on the Member States to decriminalise homelessness;
 24. Calls on the Member States to provide constant and continuous access to emergency shelters throughout the Union; stresses, however, that this should only ever be temporary and is not an alternative to structural solutions such as prevention and the provision of adequate housing and social support in response to homelessness;
 25. 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)0315

The Schengen system and measures taken during the COVID-19 crisis**European Parliament resolution of 24 November 2020 on the Schengen system and measures taken during the COVID-19 crisis (2020/2801(RSP))**

(2021/C 425/02)

The European Parliament,

- having regard to Petition No. 0653/2020,
- having regard to Articles 21(1) and 67(2) of the Treaty on the Functioning of the European Union,
- having regard to the Treaty of Amsterdam Protocol integrating the Schengen *acquis* into the framework of the European Union ⁽¹⁾,
- having regard to the Charter of Fundamental Rights of the European Union,
- 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) ⁽²⁾,
- having regard to the Commission communication of 30 March 2020 entitled ‘Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak’ (C(2020)2051),
- having regard to the Commission communication of 16 July 2020 entitled ‘Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak’ (C(2020)4813),
- having regard to the Commission communication of 13 May 2020 entitled ‘COVID-19: Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls’ (C(2020)3250),
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽³⁾ and its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak ⁽⁴⁾,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis ⁽⁵⁾,
- having regard to its resolution of 17 September 2020 entitled ‘COVID-19: EU coordination of health assessments and risk classification, and the consequences for Schengen and the single market’ ⁽⁶⁾,
- having regard to Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic ⁽⁷⁾,

⁽¹⁾ OJ C 340, 10.11.1997, p. 93.

⁽²⁾ OJ L 77, 23.3.2016, p. 1.

⁽³⁾ Texts adopted, P9_TA(2020)0054.

⁽⁴⁾ Texts adopted, P9_TA(2020)0175.

⁽⁵⁾ Texts adopted, P9_TA(2020)0176.

⁽⁶⁾ Texts adopted, P9_TA(2020)0240.

⁽⁷⁾ OJ L 337, 14.10.2020, p. 3.

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- having regard to the deliberations on Petition No. 0653/2020 during the meeting of the Committee on Petitions of 2 July 2020,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received Petition No. 0653/2020 by representatives of the Belgian/German/Dutch/Luxembourgish border regions raising concerns about the sudden closure of the EU's internal borders in response to the COVID-19 pandemic, and the consequences the different measures introduced by various Member States have had for people in the EU, especially those living in border regions;
- B. whereas border regions represent 40 % of the territory of the European Union and are home to 30 % of the EU population;
- C. whereas the Schengen *acquis* has been pivotal in turning border regions into places of economic and social exchange as well as model regions for territorial cooperation and institutional innovation;
- D. whereas the COVID-19 pandemic is a serious threat to public health, impacting on the health and lives of all people residing in the EU and the health and care systems of the Member States;
- E. whereas, as a response to the COVID-19 pandemic, the majority of Member States have reintroduced internal border controls or closed borders; whereas temporary restrictions on travel from third countries, but also from EU Member States in the Schengen area, have been introduced and continue to apply; whereas these measures have not been coordinated between the Member States or with the EU institutions;
- F. whereas over 17 million EU citizens live and work in an EU country other than that of their citizenship (3,9 % of the total labour force in 2018);
- G. whereas according to the Schengen Borders Code, controls at internal borders can be introduced by Member States as an exception and as a last resort in the event of a serious threat to public policy or internal security, and must respect the principle of proportionality; whereas in such a case, a notification must be sent to other Member States and the Commission;
1. Underlines that an area without any internal borders is an important element of the European single market; reiterates that the COVID-19 pandemic is a crisis unlike any other experienced in Europe since the creation of the Schengen area;
 2. Stresses that the free movement of people is one of the cornerstones of a functioning European Union and is one of its biggest achievements; recalls the increasing mobility across the EU for the purposes of living, working, studying or running a business;
 3. Emphasises that the freedom of movement has been severely affected by the full or partial closure of borders by Member States during the COVID-19 pandemic; regrets that the rushed and uncoordinated sudden closure of borders and introduction of accompanying measures left people in transit stranded and has severely affected those living in border regions by limiting their ability to cross a border for work, to provide and receive services or to visit friends or family members; stresses the detrimental effect that the closing of internal and external borders has had on the international business, scientific and tourism sectors; stresses that instead of introducing border controls, Member States should strive to take the necessary measures to enable people to cross borders while ensuring maximum safety and protecting health;
 4. Stresses the need to respect the rules of the Schengen *acquis* by better coordinating measures in the Schengen area, and in cross-border regions in particular, and avoiding a fragmented approach across the Member States; emphasises that measures restricting free movement should remain an exception; stresses that restrictions on free movement should be replaced by targeted measures in line with the principles of proportionality and non-discrimination; encourages the Member States to moderate their restrictions; recalls the importance of restoring a fully functioning Schengen area without internal border controls;
 5. Notes that the areas most affected by the pandemic do not always coincide with national borders, which is why limitations on movement should be based on the public health situation in different regions and should be flexible and local;

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6. Welcomes the efforts of the Commission and the Member States to support ongoing and coordinated EU action to ensure the protection of public health while respecting freedom of movement; calls on the Commission, the Council and the Member States to further enhance and fully implement the measures for overall coordination based on the best available science, notably regarding quarantine regulations, cross-border contact tracing, testing strategies, the joint assessment of testing methods, the mutual recognition of tests, and temporary restrictions on non-essential travel into the EU; believes that comprehensive, adequate and clear public health protection measures for people crossing internal borders should be used in order to avoid the reintroduction of internal border controls;
 7. 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 and services;
 8. Calls on the Commission to continue its efforts to improve and support EU-wide cooperation and coordination among and with Member States during the pandemic;
 9. Considers that tools such as COVID-19 tracing apps should be compatible across borders to ensure they are effective and to make it possible to trace infections during travel; underlines that EU residents should have easy access to reliable, comprehensive and real-time information about travel restrictions and health and safety measures related to the pandemic throughout the EU; reiterates the importance of multilingual communication about the pandemic, with particular attention paid to the languages used in cross-border regions; calls on the Commission to update the 'Re-open EU' website accordingly in order to create a true one-stop shop which facilitates free movement during the pandemic and significantly helps residents to resume their usual way of life;
 10. Expresses concerns at the numerous obstacles encountered by many cross-border workers, students and binational couples in stable relationships due to the closing of borders or travel restrictions; calls on the Commission and the Member States to pay particular attention to the specificities of cross-border regions where cross-border commuting is common; suggests in this respect that people living in border regions and cross-border workers should be exempted from pandemic-related measures and restrictions, while being required to respect the advice and measures taken by the health authorities of the relevant Member States in order to prevent the spread of the virus;
 11. Considers that a swift return to a fully functional Schengen area is of utmost importance and depends on both the political will of the Member States and their commitment to coordinating measures under the Schengen *acquis*; recalls that any uncoordinated and bilateral action which could lead to unnecessary restrictions on mobility and free movement should be avoided; notes that a strategy on the future of Schengen is one of the key initiatives of the Commission for 2021; recalls that the completion of the Schengen area is more than desirable as it will ensure that all EU citizens can benefit equally from the EU *acquis*; reiterates its call on the Commission and the Member States to prepare, as quickly as possible, contingency plans in the event of further peaks in the spread of COVID-19, in order to prevent temporary border controls from becoming semi-permanent in the medium term;
 12. 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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Thursday 25 November 2020

P9_TA(2020)0318

Towards a more sustainable single market for business and consumers

European Parliament resolution of 25 November 2020 Towards a more sustainable single market for business and consumers (2020/2021(INI))

(2021/C 425/03)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 114 thereof,
- having regard to Articles 169, 191, 192 and 193 TFEU,
- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ⁽¹⁾,
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights ⁽²⁾,
- having regard to Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods ⁽³⁾,
- having regard to the proposal for a regulation of the European Parliament and of the Council of 7 June 2018 establishing the Programme for single market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics (COM(2018)0441),
- having regard to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products ⁽⁴⁾,
- having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),
- having regard to the Commission communication of 19 February 2020 entitled ‘A European strategy for data’ (COM(2020)0066),
- having regard to the Commission communication of 11 March 2020 entitled ‘A new Circular Economy Action Plan — For a cleaner and more competitive Europe’ (COM(2020)0098),
- having regard to its resolution of 4 July 2017 entitled ‘A longer lifetime for products: benefits for consumers and companies’ ⁽⁵⁾,
- having regard to its resolution of 13 September 2018 entitled ‘Implementation of the “circular economy” package: options to address the interface between chemical, product and waste legislation’ ⁽⁶⁾,
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽⁷⁾,
- having regard to the Commission’s publication of October 2018 entitled ‘Behavioural Study on Consumers’ Engagement in the Circular Economy’,

⁽¹⁾ OJ L 149, 11.6.2005, p. 22.

⁽²⁾ OJ L 304, 22.11.2011, p. 64.

⁽³⁾ OJ L 136, 22.5.2019, p. 28.

⁽⁴⁾ OJ L 169, 25.6.2019, p. 1.

⁽⁵⁾ OJ C 334, 19.9.2018, p. 60.

⁽⁶⁾ OJ C 433, 23.12.2019, p. 146.

⁽⁷⁾ Texts adopted, P9_TA(2020)0005.

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- having regard to the Joint Research Centre's 2019 study entitled 'Analysis and development of a scoring system for repair and upgrade of products',
 - having regard to the European Environment Agency's report of 4 December 2019 entitled 'The European environment — state and outlook 2020',
 - having regard to the study carried out in March 2020 at the request of its Committee on the Internal Market and Consumer Protection, entitled 'Promoting product longevity',
 - having regard to the in-depth analysis carried out in April 2020 at the request of its Committee on the Internal Market and Consumer Protection, entitled 'Sustainable Consumption and Consumer Protection Legislation',
 - having regard to the report of the European Consumer Organisation (BEUC) of 18 August 2015 entitled 'Durable goods: More sustainable products, better consumer rights — Consumer expectations from the EU's resource efficiency and circular economy agenda',
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0209/2020),
- A. whereas dwindling natural resources and the proliferation of waste make it essential to establish sustainable patterns of production and consumption which are commensurate with planetary boundaries and focus on a more effective and sustainable use of resources;
- B. whereas the crisis caused by the COVID-19 pandemic has demonstrated the need to establish new and more resilient business models and to support European businesses, especially small and medium-sized enterprises (SMEs), micro-enterprises and the self-employed;
- C. whereas a sustainable single market must reflect Parliament's call ⁽⁸⁾ for the adoption of an ambitious European Green Deal; whereas it is therefore essential to develop a research-based strategy to increase the durability, reusability, upgradability and reparability of products; whereas this strategy should create jobs, growth and innovation opportunities for European businesses, support their competitiveness on a global scale and ensure a high level of consumer protection;
- D. whereas a common and encompassing strategy does not equate with a one-size-fits-all approach; whereas a differentiated approach based on the specificities of each product category and sector, as well as on the market and technological developments, would be more appropriate; whereas the effective implementation and enforcement of existing rules is essential for a well-functioning and sustainable single market;
- E. whereas it is essential to mobilise sufficient funding via financial programmes such as the Single Market Programme, with a view to a transition towards climate neutrality and the circular economy, in order to finance research and development in the area of sustainable products, as well as awareness campaigns targeted at businesses and consumers;
- F. whereas consumers are ready to embark on the journey towards a circular economy and are three times more likely to buy a product if it is labelled as more durable and repairable according to the Commission's 2018 behavioural study, but obstacles remain, including information asymmetry; whereas clear, reliable and transparent information on the characteristics of a product, including on estimated lifetime and reparability, is needed for consumer awareness and fair competition among businesses; whereas existing information must therefore be improved, while avoiding information overload;

⁽⁸⁾ Texts adopted, P9_TA(2020)0005.

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- G. whereas the lifetime of a product and how it ages are determined by various natural and artificial factors, such as composition, functionality, the cost of repair, consumption patterns and usage; whereas the estimated lifetime of a product must be measured on the basis of objective tests and criteria reflecting real-use conditions and must be determined before the placement of the product on the market;
- H. whereas Directive (EU) 2019/771 is to be reviewed by 2024; whereas a number of measures aimed at creating the right conditions for increasing product durability and ensuring a high level of consumer protection, as well as a competitive business environment, should be assessed in preparation for this review; whereas the two-year legal guarantee period might not be appropriate for all product categories with a higher estimated lifetime;
- I. whereas in a previous resolution ⁽⁹⁾, the European Parliament called for measures to remedy the problem of the planned obsolescence of goods and software, including the development of a common definition for testing and the detection of problematic practices; whereas there is a need to develop a common strategy for the single market and to provide for legal certainty and trust for both businesses and consumers;
- J. whereas the lifetime of software is crucial to the lifetime of electronic appliances; whereas given that software is becoming obsolete more and more rapidly, electronic appliances need to be adaptable in order to stay competitive on the market ⁽¹⁰⁾;
- K. whereas 79 % of EU citizens think that manufacturers should be required to make it easier to repair digital devices or replace their individual parts ⁽¹¹⁾; whereas high-quality products boost the competitiveness of European businesses;
- L. whereas a survey carried out in December 2015 ⁽¹²⁾ revealed that 59 % of consumers did not know that the legal guarantee period in the EU lasts for at least two years; whereas consumer knowledge of existing high-level rights with regard to the legal guarantee could be improved and such an improvement would contribute to a more sustainable use of goods;
- M. whereas the rise of e-commerce has created a need for better control of the compliance of goods and services coming from third countries with EU environmental and safety standards, as well as with consumer rights;
- N. whereas a sustainable single market requires effective market surveillance to ensure proper enforcement of these rules, in which market surveillance and customs authorities play a key role;
- O. whereas encouraging a culture of repair and reuse and boosting confidence in the second-hand goods market could offer sources of economic and social opportunities, create jobs and, in specific circumstances, drive industrial competitiveness; whereas in certain cases obstacles prevent consumers from opting for repair, such as lack of access to spare parts, lack of standardisation and interoperability, and unavailability of repair services; whereas this has a negative impact on the repair sector;
- P. whereas according to a Eurobarometer report ⁽¹³⁾, 77 % of EU citizens would rather repair their devices than replace them; whereas repair businesses could be a source of local jobs and specific know-how in Europe;

⁽⁹⁾ OJ C 334, 19.9.2018, p. 60.

⁽¹⁰⁾ OJ C 334, 19.9.2018, p. 60, recital S.

⁽¹¹⁾ Special Eurobarometer 503 report of December 2019 entitled 'Attitudes towards the impact of digitalisation on daily lives'.

⁽¹²⁾ Survey carried out on behalf of the Commission in December 2015, entitled 'Consumer market study on the functioning of legal and commercial guarantees for consumers in the EU'.

⁽¹³⁾ Flash Eurobarometer 388 report of June 2014 entitled 'Attitudes of Europeans towards waste management and resource efficiency'.

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- Q. whereas prolonging the life of a product type that is in the midst of substantial improvement in its environmental efficiency should be balanced with the take-up of these improved products, and should therefore not result in delays to the introduction of innovative technologies that could lead to substantial environmental gains;
- R. whereas increasing digitalisation is providing our societies with new channels for information sharing and is helping to forge a sustainable market based on responsibility, transparency, information sharing and the more effective use of resources;
- S. whereas online platforms could further deliver on their responsibility to provide consumers with reliable information on the products and services they offer;
- T. whereas the digital sector contributes to innovation and the fostering of a sustainable economy; whereas the impact on the environment in terms of the energy and resource consumption of its infrastructure should be addressed; whereas more sustainable means of packaging and delivery are crucial in establishing a circular economy;
- U. whereas green and sustainable public procurement is a strategic tool that can be used to contribute, together with other important policies, to Europe's industrial transition and to strengthen its resilience and open strategic autonomy; whereas the strategic use of sustainable procurement can benefit both businesses and consumers by boosting demand in and the supply of sustainable goods and making those products cost efficient and attractive for consumers;
- V. whereas there is a need to tackle misleading environmental claims and to address 'greenwashing practices' through effective methodologies, including on how to substantiate such claims;
- W. whereas advertising has an effect on levels and patterns of consumption; whereas advertising could help business and consumers to make informed sustainable choices;
1. Welcomes the Commission's new Circular Economy Action Plan and the stated intention of promoting durable products which are easier to repair, reuse and recycle, while taking steps to support consumers in this transition;
2. Emphasises that any sustainable single market strategy should combine in a fair, balanced and proportionate way the principles of sustainability, consumer protection and a highly competitive social market economy; stresses that any potential regulatory measures should be based on these principles, should be environmentally cost efficient and should be beneficial for both businesses and consumers in order for them to embrace the green transition within the internal market; stresses that regulatory measures should create competitive advantages for European businesses, should not place a disproportionate financial burden on them, and should trigger innovation, encourage investments in sustainable technologies, and strengthen European competitiveness and, ultimately, consumer protection; points out that all the regulatory measures envisaged should be accompanied by impact assessments and should always take into account market developments and consumers' needs;
3. Calls on the Commission to show strong political ambition when designing, adopting and implementing the relevant upcoming proposals, such as on 'empowering the consumer in the green transition' and a sustainable product policy initiative, which should be fully aligned with the EU's climate targets and other environmental objectives so as to improve the circularity of value chains, resource efficiency and the uptake of secondary raw materials, minimise waste generation and achieve a toxic-free circular economy; stresses the importance of timely implementation and compliance with existing obligations and standards; urges the Commission not to postpone them further;
4. Stresses that a well-functioning single market is a powerful tool for the EU's green and digital transitions, including with regard to its role in a globalised economy; highlights that the completion and deepening of the single market, including through the effective enforcement of existing legislation and by addressing the remaining unjustified and disproportionate barriers, is a precondition for achieving more sustainable production and consumption in the EU; calls for transparent governance of the internal market, along with more effective and improved monitoring; believes that the legal framework for a more sustainable single market should foster innovation and the development of sustainable technology, incentivise companies to transition to more sustainable business models and thus contribute to a sustainable economic recovery;

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5. Points out that sustainable consumption goes hand in hand with sustainable production and that economic operators should be encouraged to consider the durability of products and services from the design stage and when placed or provided on the internal market, so as to ensure a safe, sustainable, cost-efficient and attractive choice for consumers; calls on the Commission to propose measures, differentiating between categories of products and for sectors with a significant environmental impact, that will improve products' durability, including their estimated lifespan, reusability, upgradability, reparability and recyclability;

Consumer rights and clamping down on planned obsolescence

6. Calls on the Commission to devise, in consultation with the relevant stakeholders, a broad strategy with measures differentiating between categories of products and taking into account market and technological developments to support businesses and consumers and to engage with sustainable production and consumption patterns; notes that this strategy should include measures to:

- (a) specify the pre-contractual information to be provided on the estimated lifespan (to be expressed in years and/or use cycles and to be determined before the placement on the market of the product through an objective and standardised methodology based on real-use conditions, differences in terms of intensity of use and natural factors, among other metrics) and reparability of a product, keeping in mind that this information should be provided in a clear and comprehensible manner so as to avoid confusing consumers and overloading them with information, and make this one of the main characteristics of a product pursuant to Directives 2011/83/EU and 2005/29/EC;
 - (b) develop and introduce mandatory labelling, to provide clear, immediately visible and easy-to-understand information to consumers on the estimated lifetime and reparability of a product at the time of purchase; highlights that such a labelling scheme should be developed by involving all relevant stakeholders, based on harmonised research-based and transparent standards further to impact assessments demonstrating relevance, proportionality and effectiveness in reducing negative environmental impacts and protecting consumers; believes that this labelling should notably include information on durability and reparability, such as a repair score, and could take the form of an environmental performance index, taking into account multiple criteria throughout the life cycle of products according to product category;
 - (c) reinforce the role of the EU ecolabel to increase industry uptake and raise awareness among consumers;
 - (d) assess which categories of goods are most suited to being equipped with a usage meter, on the basis of a cost/environmental-efficiency analysis, with the aim of improving consumer information and product maintenance, encouraging long-term use of products through facilitated reuse, and boosting reuse and second-hand business models;
 - (e) in the preparation of the review of Directive (EU) 2019/771, assess how to bring the duration of legal guarantees more into line with the estimated lifetime of a product category, as well as how an extension of the reversed burden of proof period for non-conformity would enhance the possibility for consumers and businesses to make sustainable choices; calls for this impact assessment to consider the possible effects of such potential extensions on prices, the expected lifetime of products, commercial guarantee systems and independent repair services;
 - (f) in the preparation of the review of Directive (EU) 2019/771, study the feasibility of strengthening the position of sellers in relation to manufacturers by introducing a joint manufacturer-seller liability mechanism under the legal guarantee regime;
 - (g) tackle the premature obsolescence of products by considering adding to the list set out in Annex I to Directive 2005/29/EC practices which effectively shorten the lifetime of a product to increase its replacement rate and unduly constrain the reparability of products, including software; stresses that these practices should be clearly defined based on an objective and common definition, taking into account the assessment of all stakeholders involved, such as research establishments and consumer, business and environmental organisations;
7. Stresses that goods with digital elements require particular attention and that the following elements should be taken into account within the review of Directive (EU) 2019/771 to be carried out by 2024:
- (a) corrective updates — i.e. security and conformity updates — must continue throughout the estimated lifespan of the device, according to product category;

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- (b) corrective updates should be kept separate from evolutive updates, which must be reversible, and no update must ever diminish the performance or responsiveness of the goods;
 - (c) consumers must be informed by the seller at the moment of purchase of the period during which updates to the software supplied on purchase of the goods can be expected to be provided, in a way that is compatible with innovation and possible future market developments, as well as of their specificities and impacts on device performance, to ensure that the goods maintain their conformity and security;
8. Stresses the need for simple, effective and enforceable means of redress for consumers and businesses; points out that consumers across the EU should be informed about their rights and means of redress; calls for funding within the framework of the multiannual financial framework (MFF) Single Market Programme for measures to address the information gap and to provide consumer, business and environmental associations with support for their initiatives; considers that Member States should carry out information campaigns to increase consumer protection and confidence, especially among vulnerable groups, and calls on the Commission to give consumers adequate information on their rights through the Single Digital Gateway; highlights that SMEs, micro-enterprises and the self-employed require specific support, including financial support, in order to understand and meet their legal obligations in the field of consumer protection;
9. Notes that many products placed on the single market, especially products sold by online marketplaces and imported from outside the EU, fail to comply with EU legislation relating to product safety and sustainability requirements; calls on the Commission and the Member States to urgently take action to ensure a level playing field for EU companies with international competitors, as well as to ensure safe and sustainable products for consumers through improved market surveillance and equivalent customs control standards throughout the EU for both traditional and online businesses; points out that in order to carry out this task, market surveillance authorities must be provided with appropriate financial, technical, information and human resources in accordance with Regulation (EU) 2019/1020, and calls on Member States to meet their needs and on the Commission to ensure proper implementation of the regulation; underlines that interaction between the RAPEX system and online marketplaces and platforms should be significantly enhanced;

Facilitating repairs

10. Calls for the following information on the availability of spare parts, software updates and the reparability of a product to be made available in a clear and easily legible manner at the time of purchase: estimated period of availability from date of purchase, average price of spare parts at the time of purchase, recommended approximate delivery and repair times, and information on repair and maintenance services, where relevant; asks, furthermore, for this information to be provided in the product documentation together with a summary of the most frequently encountered failures and how to repair them;
11. Calls on the Commission to establish a consumers' 'right to repair' with a view to making repairs systematic, cost efficient and attractive, taking into account the specificities of different product categories along the lines of the measures already taken for several household appliances under the Ecodesign Directive:
- (a) by giving actors of the repair industry, including independent repairers, and consumers access free of charge to the necessary repair and maintenance information, including information on diagnostic tools, spare parts, software and updates, needed to perform repairs and maintenance, while keeping in mind the imperatives of consumer safety, without prejudice to Directive (EU) 2016/943;
 - (b) by encouraging standardisation of spare parts for the sake of interoperability and innovation, while upholding product safety requirements;
 - (c) by setting a mandatory minimum period for the provision of spare parts reflecting the product's estimated lifespan after the final unit has been placed on the market, as well as reasonable maximum delivery times according to product category in line with the ecodesign implementing regulations adopted on 1 October 2019, which should be extended to a wider range of products;
 - (d) by ensuring that the price of a spare part is reasonable, and therefore cost efficient, in relation to the price of the whole product and that independent and authorised repairers, as well as consumers, have access to the necessary spare parts without unfair hindrances;

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- (e) by encouraging repair over replacement by extending guarantees or zeroing guarantee periods for consumers who choose this option in the preparation of the review of Directive (EU) 2019/771 and in the light of a cost-efficiency analysis for both consumers and businesses, and by ensuring that sellers always inform consumers of the option of repair and related guarantee rights;
- (f) by assessing how repairs could be facilitated by establishing, at EU level, a legal guarantee for the parts replaced by a professional repairer when goods are no longer under legal or commercial guarantee in the preparation of the review of Directive (EU) 2019/771;
- (g) by encouraging Member States to create incentives, such as a 'craftsman's bonus', which promote repairs, particularly after the end of the legal guarantee for consumers undertaking certain repair works via authorised/independent repairers;

Global strategy to promote a culture of reuse

12. Welcomes the Commission's consideration of binding measures to prevent the destruction of unsold or non-perished goods in working order so that they can instead be reused, and of quantified targets for reuse, including through the introduction of deposit systems in line with the Waste Framework Directive and the Packaging and Packaging Waste Directive; emphasises that priority access to waste yards should be given to new sustainable business models and calls on the Commission and Member States to further incentivise sustainable waste management; stresses the need for a strategy assessing and addressing the legal obstacles to repair, resale, reuse and donation to ensure a more effective and sustainable use of resources, as well as for strengthening the internal market for secondary raw material, without prejudice to the provisions of Regulation (EC) No 1013/2006 on shipments of waste, including through increased standardisation;

13. Stresses the importance of boosting circular economy and sustainable business models to minimise the destruction of goods and promote repair and reuse; calls on the Commission to encourage the use of such models while keeping them cost efficient and attractive and guaranteeing a high level of consumer protection, and to encourage Member States to raise awareness of these models through educational campaigns and training for both consumers and businesses; stresses the importance of R&D investments in this area;

14. Points out the existence of practices adopted by companies to discourage repair, which constitute a restriction to the right of repair and affect consumers' repair options; calls for an approach that both safeguards the enforcement of intellectual property rights and ensures effective support for independent repairers in order to promote consumer choice and achieve an overall sustainable single market;

15. Stresses the need to create incentives for consumers to buy second-hand goods; points out that transferring the guarantee in the event of the resale of a product which is still covered could boost consumer confidence in this market; calls on the Commission, in this regard, to examine to what extent the first-time buyer's guarantee could be transferred to additional buyers in the event of subsequent sales, especially in the context of a digital product passport; calls, furthermore, for an assessment of the need to review the exception clause for second-hand products under the legal guarantee regime provided for by Directive (EU) 2019/771 when undertaking the review of the directive, further to an impact assessment on the possible effects for second-hand and reuse-based business-models;

16. Calls for clear definitions for reconditioned and refurbished goods and for the introduction on a broad scale of a voluntary system of extended commercial guarantees for such goods to be encouraged in order to supplement the initial legal guarantees and prevent consumers from being exposed to malpractice;

17. Stresses that completing the internal market for services will decisively contribute to the transition to a more sustainable single market; calls on the Commission to take further action towards a well-functioning internal market for services and to effectively increase the efforts to strengthen the enforcement of existing legislation;

18. Highlights the role of the services sector in increasing the accessibility of repairs and other new business models; welcomes, in particular, the development of commercial models that separate consumption from material ownership, in which the function of the product is sold, and calls for a robust assessment of the impact of the functionality economy and its potential rebound effects, as well as the effects on consumers and their financial interests, but also the environmental impact of such models; emphasises that the development of internet-based services, new forms of marketing (rentals,

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leasing, product-as-service, etc.) and the availability of repair facilities can help to extend product lifetime and increase consumer awareness and trust in such products; calls on the Commission to promote the development of these new business models through targeted financial support under the Single Market Programme and any other relevant MFF programmes;

19. Calls for the development of national campaigns and relevant mechanisms to encourage consumers to extend the lifetime of products through repair and use of second-hand goods and to raise awareness of the added value of sustainable innovative technologies; asks the Commission and national authorities to assist and support competent authorities at national and local level, as well as companies and associations, both technically and financially under the MFF Single Market Programme in conducting such awareness campaigns;

20. Calls on all companies and organisations to register with the EU Eco-Management and Audit Scheme (EMAS) in order to improve their environmental performance; looks forward to the upcoming review of the Non-Financial Reporting Directive, which should significantly improve the availability of information on the environmental performance of companies;

A digital strategy for a sustainable market

21. Welcomes the announcement of a common European data space for smart circular applications and the ambition of the Commission to develop a digital 'product passport' to improve traceability and access to information on the conditions of production of a product, durability, composition, reuse, repair, dismantling possibilities and end-of-life handling, taking into account the proportionality principle and costs for businesses and paying special attention to the needs of SMEs, micro-enterprises and the self-employed; calls for these tools to be developed in close cooperation with the industry and relevant stakeholders;

22. Takes note of digital technologies' contribution to innovation and in forging a more circular economy; calls on the Commission to develop standards and protocols for access to and the use of interoperable data in order to effectively share data between companies, investors and authorities and enable new data-driven circular business opportunities; calls on the Commission and Member States to increase funding for research and innovation in the area of sustainable technologies in the new MFF;

23. Notes that, whether we consider its manufacturing or services, the digital sector and online consumption have an environmental footprint, and calls for the Commission to assess how an EU digital sustainability index based on an analysis of product life cycles would mainstream the sustainable production and consumption of digital technologies; points out that practices to reduce such an environmental impact, such as reduction of packaging and development of more sustainable packaging, should be part of a strategy towards a sustainable single market;

24. Adds that awareness should be raised of the potential environmental footprint of unnecessary data, such as unused apps, files, videos, photos and spam emails; calls on the Commission to assess the impact of digital practices and infrastructure in terms of their carbon and environmental footprint, as well as their impact on consumer practices, and to consider appropriate measures to reduce it;

25. Insists that the Commission take account of Parliament's decisions concerning the establishment of a common charger system, in order to reduce production volumes and electronic waste;

Changes in approach required from public authorities

26. Takes the view that public procurement should be made central to the EU's economic recovery plan, in line with the European Green Deal, by supporting the innovation efforts of the private sector and the digitalisation processes of public tenders and setting the right incentives for boosting sustainable production and consumption; calls for priority to be given to stimulating demand for eco-friendly goods and services with a smaller environmental footprint and promoting social and environmental criteria;

27. Stresses the need to ensure the uptake of environmental, social and innovation public procurement in the transition to a sustainable and climate-neutral economy, by introducing sustainability criteria and targets into public tenders; recalls, in this respect, the Commission's commitment to taking action through sector-specific measures and guidance on green public procurement, while maintaining the current public procurement legislation framework, and calls on the Commission to be ambitious in making sustainable criteria in public procurement the default choice; emphasises the importance of supporting second-hand, reused, recycled and reconditioned products and low-energy consumption software programmes

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by setting targets for public purchases; stresses the potential benefits of an instrument for screening the sustainability of public tenders to ensure their compatibility with the EU's climate commitments and tackle 'greenwashing';

28. Highlights the role that green and social procurement could play in shortening supply chains, reducing dependence on third countries and fostering sustainability in crucial sectors such as those producing medicinal products, energy and food; calls for effective reciprocity in public procurement with third countries and for adequate access to public procurement for SMEs, as well as social economy enterprises, to be guaranteed by introducing, inter alia, preferential award criteria;

29. Calls on Member States to make use of the existing EU schemes to procure sustainably and asks the Commission, in this respect, to improve its guidance and to lead by example by publishing targets and statistics related to the environmental impact of their purchasing; calls, furthermore, for reporting obligations for the EU institutions and the Member States with regard to their sustainable public procurement, without creating an unjustified administrative burden and while respecting the principle of subsidiarity;

Responsible marketing and advertising

30. Points out that consumers are confronted with misleading claims about the environmental characteristics of products and services, both online and offline; recommends, therefore, that effective monitoring of the environmental claims made by manufacturers and distributors be carried out before a product or service is placed on the market and that the recently amended Directive 2005/29/EC be enforced through proactive measures to tackle misleading practices; calls on the Commission to develop updated guidelines for the uniform implementation of this directive with regard to environmental claims and to provide guidance for market surveillance activities;

31. Requests the development of clear guidelines and standards for green claims and commitments translating into strengthened ecolabel certifications and welcomes the announced legislative proposal on substantiating green claims; recommends assessing the possible need for the establishment of a public European register listing authorised and banned environmental claims, as well as the conditions and steps to be made to assert a claim; adds that providing transparent, accountable and accurate information will increase the trust of consumers in products and markets, leading ultimately to more sustainable consumption;

32. Stresses that advertising impacts levels and patterns of consumption and should encourage sustainable business and consumer choice; stresses the importance of responsible advertising that respects public standards on the environment and consumer health; underlines that the current regulatory framework that tackles misleading advertising could strengthen consumer protection, especially for certain categories of consumers considered as vulnerable, and encourage sustainable production and consumption;

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

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P9_TA(2020)0319

Addressing product safety in the single market**European Parliament resolution of 25 November 2020 on addressing product safety in the single market (2019/2190(INI))**

(2021/C 425/04)

The European Parliament,

- having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾,
- having regard to Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC ⁽²⁾,
- having regard to Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008 ⁽³⁾,
- having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽⁴⁾,
- having regard to Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 ⁽⁵⁾,
- having regard to Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union ⁽⁶⁾,
- having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) ⁽⁷⁾,
- having regard to its resolution of 12 February 2020 on automated decision-making processes: ensuring consumer protection and free movement of goods and services ⁽⁸⁾,
- having regard to its resolution of 12 February 2019 on a comprehensive European industrial policy on artificial intelligence and robotics ⁽⁹⁾,

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 218, 13.8.2008, p. 82.

⁽³⁾ OJ L 91, 29.3.2019, p. 1.

⁽⁴⁾ OJ L 316, 14.11.2012, p. 12.

⁽⁵⁾ OJ L 169, 25.6.2019, p. 1.

⁽⁶⁾ OJ L 194, 19.7.2016, p. 1.

⁽⁷⁾ OJ L 151, 7.6.2019, p. 15.

⁽⁸⁾ Texts adopted, P9_TA(2020)0032.

⁽⁹⁾ Texts adopted, P8_TA(2019)0081.

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- having regard to its resolution of 13 December 2018 on Blockchain: a forward-looking trade policy ⁽¹⁰⁾,
- having regard to its resolution of 12 December 2018 on the single market package ⁽¹¹⁾,
- 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 ⁽¹²⁾,
- having regard to its resolution of 3 October 2018 on distributed ledger technologies and blockchains: building trust with disintermediation ⁽¹³⁾,
- having regard to its resolution of 4 July 2017 on European standards for the 21st century ⁽¹⁴⁾,
- having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies ⁽¹⁵⁾,
- having regard to its resolution of 26 May 2016 on the single market strategy ⁽¹⁶⁾,
- having regard to its position adopted at first reading on 15 April 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council ⁽¹⁷⁾,
- having regard to the Commission Work Programme 2020 — A Union that strives for more (COM(2020)0037),
- having regard to the Commission report of 19 February 2020 on the safety and liability implications of artificial intelligence, the internet of things and robotics (COM(2020)0064),
- having regard to the Commission white paper of 19 February 2020 on artificial intelligence — A European approach to excellence and trust published (COM(2020)0065),
- having regard to the Commission communication of 19 February 2020 on shaping Europe's digital future (COM(2020)0067),
- having regard to the Commission communication of 10 March 2020 on a long-term action plan for better implementation and enforcement of single market rules (COM(2020)0094),
- having regard to the Ethics Guidelines for Trustworthy AI of the Commission's High-Level Expert Group (HLEG) on Artificial Intelligence published on 8 April 2019,
- having regard to the Commission communication of 8 April 2019 on building trust in human-centric artificial intelligence (COM(2019)0168),
- having regard to the report entitled 'Policy and Investment Recommendations for Trustworthy AI' by the Commission's HLEG on Artificial Intelligence published on 26 June 2019,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0207/2020),

A. whereas the single market for goods is one of the most important economic cornerstones of the EU, and trade in goods currently generates around a quarter of the EU's GDP and three quarters of intra-EU trade;

⁽¹⁰⁾ OJ C 388, 13.11.2020, p. 141.

⁽¹¹⁾ OJ C 388, 13.11.2020, p. 39.

⁽¹²⁾ OJ C 363, 28.10.2020, p. 179.

⁽¹³⁾ OJ C 11, 13.1.2020, p. 7.

⁽¹⁴⁾ OJ C 334, 19.9.2018, p. 2.

⁽¹⁵⁾ OJ C 334, 19.9.2018, p. 60.

⁽¹⁶⁾ OJ C 76, 28.2.2018, p. 112.

⁽¹⁷⁾ OJ C 443, 22.12.2017, p. 722.

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- B. whereas the General Product Safety Directive (Directive 2001/95/EC, GPSD) was adopted in 2001 and whereas consumer purchasing habits have changed due to the growth in e-commerce sales; whereas a previous attempt to reform the GPSD presented by the Commission in 2013 was not successful;
- C. whereas it is unacceptable that EU consumers are exposed to products that do not comply with EU safety requirements or are otherwise illegal, with issues ranging from the use of dangerous chemicals in products to unsafe software and other safety hazards; whereas there is a need for a horizontal legislative framework to act as a safety net and to enhance consumer protection in order to achieve a high level of protection of the health and safety of consumers;
- D. whereas the trade in goods in the single market is linked to the dynamics of the global trade in goods and the efficiency of supply chains; whereas it is therefore essential to ensure that the EU's external borders are further equipped with more effective and harmonised tools to detect unsafe products coming from third countries and prevent their circulation in the single market, to benefit businesses that respect the rules and to properly and effectively protect consumer rights;
- E. whereas due account should be taken of the precautionary principle by the competent authorities when taking measures to ensure the safety of consumers, in particular with regard to products that have new digital technologies embedded in them and that could be dangerous;
- F. whereas emerging technologies transform the characteristics of products and need to be addressed so as to ensure consumer protection and legal certainty without hindering innovation; whereas the Commission's report on the safety and liability of artificial intelligence (AI), the internet of things (IoT) and robotics paves the way to achieving this;
- G. whereas the number of dangerous products notified through the European Safety Gate (RAPEX) remains very high, as do sales of dangerous and non-compliant products, and whereas compliance with the EU regulatory framework, in particular with product safety rules, also during the manufacturing process, contributes to the safety of products;
- H. whereas product safety by design and by default is fundamental because safety during the design phase can improve the safety of products on the market;
- I. whereas the EU's market surveillance system mostly focuses on economic operators present in the single market, and whereas developments in e-commerce result in high numbers of products from third countries being directly placed on the market; whereas many of these products do not, however, respect European Union safety requirements and therefore risk harming consumers, who are often unaware of such hazards;
- J. whereas the level of consumer protection should not depend on whether a consumer shops online or in a physical shop and whereas voluntary initiatives introduced by some digital platforms and online marketplaces should be further promoted; whereas other actions are still needed to sufficiently protect consumers, since many products sold on online marketplaces do not comply with EU safety rules, and whereas a more extensive regulatory framework is therefore needed to ensure platform responsibility and liability;
- K. whereas the traceability of products along the supply chain is essential for improving safety and protecting consumers;
- L. whereas in the EU, a high number of counterfeit goods have been reported as dangerous and have posed a serious risk to the health and safety of consumers;
1. Stresses that the COVID-19 crisis has shown that it is of paramount importance for the protection of people in the EU that the safety of all products needed to tackle this emergency and all the crises that might challenge the EU in the future is the highest, especially for medical and protective equipment, products sold online and offline, and products from outside the EU; stresses, to that aim, the need for online platforms and online marketplaces to take proactive measures to tackle misleading practices and disinformation regarding products sold online; calls on the Commission to pay particular attention to the safety of medical devices when procuring crisis equipment supplies; notes that products based on AI, IoT or robotics

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can offer solutions which can help to combat current and future crises that might undermine the EU's strategic position; calls, therefore, on the Commission and the Member States to strengthen their coordinated actions within the product safety framework and its relevant networks;

Safety of all products

2. Welcomes Regulation (EU) 2019/1020 on market surveillance but highlights that, with the exception of checks on products entering the Union market, the regulation only applies to products subject to Union harmonisation legislation, while around one third of all products circulating in the EU are non-harmonised products; urges the Commission to update and establish aligned market surveillance rules for both harmonised and non-harmonised products placed on the market offline or online, and to make them fit for purpose in the digital age in order to ensure a level playing field and improve product safety;

3. Points out the need to adapt product safety rules to the new market realities and the digital transition by tackling emerging risks and threats to the safety of consumers, addressing the related security concerns of consumers and protecting their rights; asks the Commission to address the challenges of emerging technologies such as AI, IoT, robotics, 3D printing and others in its revision of the GPSD, and to identify and close gaps within existing legislation, such as the Machinery Directive and the Radio Equipment Directive, avoiding duplicating legislation and ensuring a consistent approach towards product safety in all sectoral legislation, such as the Toy Directive and other product-specific legislation, in order to achieve the highest level of consumer safety while removing potential barriers to the development of disruptive technologies;

4. Calls on the Commission to redefine the terms 'product' and 'safe product' as part of its revision of the GPSD, in coordination with the possible revision of other legislative acts such as the Product Liability Directive, so that they reflect the complexity of emerging technologies, including products with AI, IoT and robotics embedded in them, stand-alone software and software or updates which entail substantial modification to the product leading to a de facto new product; urges the Commission to prioritise consumer rights and legal certainty for consumers when revising the GPSD;

5. Is convinced that AI and other emerging technologies embedded into products can modify the purpose of products and have an impact on their safety after they have been placed on the market, in particular as a result of software updates or in the case of self-learning technology; urges the Commission to consider whether 'placing on the market' being the decisive moment for the economic operator to guarantee the safety of the product is an approach still fit for purpose and outlines that continued conformity of the product with the relevant product safety legislation, including after the installation of software, could be more fit for purpose in the digital age;

6. Agrees that AI systems should be safe in order to be trustworthy, as outlined by the HLEG in its Ethics Guidelines for Trustworthy AI, asks the Commission to take the recommendations of the HLEG fully into consideration and agrees that consumers have to be informed about the safety and security of AI and products in which it is embedded; is convinced that an EU-wide approach to AI is crucial for the development of this technology in the EU; stresses the need for a common definition, which should be periodically revised in order to adapt it to new technological developments, and for safety-related requirements for AI in order to avoid further fragmentation of the single market resulting from differing national legislation; underlines that the EU needs to take action to create a framework for investment, data infrastructure, research and common ethical norms that would enhance the trust of consumers and businesses, ensure a more effective and fairer form of consumer protection, create legal certainty, improve the EU's economic competitiveness and incentivise the founding and development of start-ups and businesses that carry out and use research into AI; stresses that the Commission should assess how AI technology and blockchain could be used to enhance product safety through, for instance, the development of interoperable databases on injuries caused by unsafe products circulating in the single market;

7. Considers that AI systems, whether stand-alone or embedded in a product, offer many opportunities and that they should use high-quality and unbiased data sets in order to be trustworthy and promote consumer protection; welcomes, therefore, the Commission communication on building trust in human-centric artificial intelligence, which takes into account the seven key requirements set out in the guidelines of the HLEG; outlines that these guidelines should also be considered on an international level; stresses that the Commission should screen the existing AI standards and consult with relevant stakeholders to assess which new standards are needed, that it should carry out a periodic assessment of the EU regulatory framework related to AI in order to ensure product safety and consumer and data protection, and that it should intervene in areas where it is necessary to promote legal certainty and ensure the harmonisation of rules within the EU;

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Compliance with product safety rules

8. Stresses that a harmonised risk-based assessment framework designed according to clear and transparent criteria will not only be efficient from an administrative point of view, in particular for micro-enterprises and small and medium-sized enterprises (SMEs), because it will avoid disproportionate burdens, but also in terms of enhancing consumer safety; urges the Commission, therefore, to further harmonise the methodology and, together with the relevant stakeholders, to thoroughly assess the feasibility of risk-based assessment schemes, adapting their application for products with a high risk level, and conformity assessment mechanisms, where they do not yet exist, to ensure the safety and security by design or default of products with embedded emerging technologies; underlines the need to ensure a consistent approach to the enforcement of product safety legislation and notes that significant asymmetry may arise between the development of products with embedded emerging technologies and the ability of public authorities to assess them; emphasises, therefore, that the Member States should coordinate — with the support of the Commission — their risk management strategies for AI in the context of their national market surveillance strategies to ensure a level playing field for all economic operators;

9. Is of the opinion that the current gaps in the existing legal framework negatively affect the rights of EU consumers and the competitiveness of EU companies, in particular SMEs and micro-enterprises; urges the Commission to also take into account the 'think small first' principle when assessing the impact of future legislation, which should take due account of the need to provide support to SMEs to reduce the burden these measures can create and to ensure a stable, predictable and properly regulated environment in which SMEs can run their businesses;

10. Urges the Commission to consider EU benchmarks for 'regulatory sandboxes', without abandoning the precautionary principle, since they can enhance the safety of products by giving expert input on how to assess the compliance of a product with the applicable legislation in a modern way; points out that creating a single environment for testing and improving technologies such as AI, will help EU businesses to overcome the fragmentation of the single market and effectively exploit growth potential throughout the EU; recognises the significant role that Digital Innovation Hubs can play in simultaneously acting as intermediaries between regulators and companies, helping assisting start-ups and SMEs to adapt to new legislation, and facilitating market entry;

11. Asks the Commission and the Member States to take into account the autonomous self-learning behaviour of AI throughout a product's lifetime and assess the feasibility of setting up mechanisms to avoid emerging risks; calls for mandatory human oversight to be the default option for high-risk AI products and for the development of effective checks on high-risk AI products throughout the supply chain with reliable and impartial procedures to ensure product safety and the right of consumers to demand personal communication instead of communication with automated systems; stresses that strong consumer rights support the development of safe and innovative AI products;

12. Encourages providers of emerging technologies to integrate safety and security mechanisms in these technologies, including self-repair mechanisms, to prevent the upload of software that can potentially endanger the safety of consumers, to raise awareness of the safety problems of their products, and to ensure and improve safety throughout their lifecycle; asks the Commission to analyse whether the durability, reusability, upgradability and reparability of products can influence their safety; notes, however, that many economic operators do not always exercise effective control over their products through their entire lifecycle, and that several other parties may be responsible for various product components;

13. Calls on the Commission and the Member States to ensure that in connectivity infrastructure, including new communication technologies such as 5G, security and privacy is embedded by design and by default in order to improve the safety of connected products; highlights that the risks derived from software updates, faulty data and loss of connectivity can result in risks to safety and health and urges the Commission to update the current product safety legislation in order to address those risks;

14. Is convinced that a lack of or the weak cybersecurity of connected devices and interlinked services can compromise product safety, and that this needs to be addressed in the horizontal revision of the relevant rules and recommendations; therefore calls on the Commission to ensure that the scope of the revision of the GPSD also takes into account cybersecurity challenges and emerging trends by ensuring all devices remain up-to-date with continuously evolving industry web standards;

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15. Highlights the fact that the EU Cybersecurity Act is one of the main tools for enhancing cyber security at EU level but is based on a voluntary certification scheme only; calls on the Commission to assess the need both for an EU cybersecurity certification scheme covering products with embedded emerging technologies, such as AI, IoT and robotics, in accordance with the EU cybersecurity framework, always taking into account sector-specific aspects, and the need to develop corresponding mandatory certification schemes for consumer products that can be quickly updated to adapt to current risks without hindering innovation; accordingly calls on the Commission to assess the need for legislation on mandatory cybersecurity requirements and proper market surveillance mechanisms;

Effective market surveillance

16. Underlines the lack of financial and human resources many market surveillance authorities in the EU have faced over the last few years and encourages the Commission and the Member States, to the extent that their respective competences allow them, to increase the resources and expertise of their market surveillance authorities, to enhance cooperation among them and develop joint actions, including at cross-border level and for online markets, to improve the efficiency and effectiveness of checks, and to properly staff market surveillance authorities, including customs authorities, so as to be able to identify unsafe products, in particular from third countries, and prevent their circulation in the internal market; stresses, in this context, the particular importance of providing modern equipment to the relevant authorities, as well as ensuring they use innovative technologies, and stresses that access to relevant documentation, such as product-safety-related software documentation and data sets, is key to enabling market surveillance authorities to perform their activities and assess the compliance of products with relevant safety rules;

17. Underlines the importance of the single market programme, in the context of the 2021-2027 multiannual financial framework (MFF), in supporting and strengthening effective market surveillance authorities in their tasks across the internal market and ensuring the uniform enforcement of product safety rules throughout the EU, so that only safe and compliant products that offer a high level of consumer protection are made available in the internal market; reiterates, in this regard, its call on the Commission and the Council to increase and provide adequate resources and a dedicated budget line and further calls on the Member States to also allocate sufficient resources to their customs services; urges the interinstitutional negotiating parties to prevent the budgets for the MFF single market programme and customs programmes from decreasing;

18. Underlines that although market surveillance activities are aimed at protecting general public interests, while counterfeited products relate to the protection of private intellectual property rights, there is a relation between counterfeited products and risks to the health and safety of consumers; urges the Commission, therefore, to get a better and clearer picture of the counterfeiting phenomenon and of the possible role that market surveillance authorities and online marketplaces could play in better protecting the health and safety of EU consumers, including through the effective enforcement of customs legislation and the harmonisation of customs controls throughout the EU; encourages the use of new technologies such as AI and blockchain by market surveillance authorities to ensure that data analytics can be used to mitigate risk, improve compliance with product safety legislation and protect consumers against counterfeited products;

19. Urges the Commission and the Member States to set minimum sampling rates; asks market surveillance authorities to carry out sector-specific mystery shopping, including on online shopping marketplaces, on a regular basis or during sweep days like the ones carried out by the Consumer Protection Cooperation Network (CPC); adds that particular attention should be given to product categories most notified on RAPEX, taking appropriate restrictive measures if a risk is identified; recommends that these measures are soundly grounded in data analytics tools; stresses the importance for Member States to impose effective penalties on infringers;

20. Calls on the Commission to swiftly adopt implementing acts in accordance with Regulation (EU) 2019/1020, and in particular Article 25 thereof, laying down benchmarks and techniques for checks on harmonised and non-harmonised products, and to include minimum requirements on checks for products entering the Union market so as to ensure consistent, effective and uniform enforcement of Union law;

21. Stresses that products directly purchased by consumers from non-EU economic operators must be subject to effective controls to ensure their compliance with the EU regulatory framework; calls on market surveillance authorities, including customs authorities, to undertake adequate checks on these products; calls on the Commission to explore the option of requiring non-EU economic operators to designate an economic operator in the EU for non-harmonised products that would provide information or documents relating to the safety of the product to the market surveillance authorities and cooperate with them to make sure that corrective action is taken to remedy cases of non-compliance;

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22. Asks the Commission to cooperate with the regulatory authorities of third countries, to exchange market-surveillance-related information on dangerous products with them, and to include provisions related to market surveillance and enforcement in all EU free trade agreements, so that companies from outside the EU which sell goods in the internal market are subject to the same product safety requirements as EU companies;

23. Urges the Commission to increase, at EU and international level, cooperation between consumer protection, market surveillance and customs authorities and other relevant competent authorities so as to guarantee harmonised and uniform controls at all points of entry into the Union, to enable the swift transfer of information on unsafe products, and to enhance coordination of enforcement measures, such as checks on compliance with the EU regulatory framework and penalties; in this context, calls on the Commission and the Member States to strengthen the interaction between EU and national public databases on illegal products; urges the Commission, within the framework provided by Regulation (EU) 2019/1020, to enable the use of the Information and Communication System on Market Surveillance, which should run in parallel with the Common Customs Risk Management System, in order to increase the level of cooperation and exchange of information between the Member States and the Commission;

24. Urges the Commission to prioritise product safety in its action plan for customs;

Safe products on online marketplaces

25. Stresses that consumers should be offered equally safe products whether buying online or offline and acknowledges the Product Safety Pledge ⁽¹⁸⁾ for online marketplaces, while highlighting its voluntary character, the limited participation of market operators and the lack of detailed key performance indicators (KPIs) to ensure a meaningful assessment of the signatories' efforts; calls on the Commission to encourage other online marketplaces to join the initiative and display clear information to consumers regarding their rights and the retailer, and to evaluate the role online marketplaces could play in limiting the circulation of unsafe products and to propose mandatory rules on obligations and the responsibilities of marketplaces established in and outside the EU as part of the Digital Services Act, the revision of the GPSD and any other relevant legislation;

26. Highlights the need for a level playing field between EU and third-country platforms when it comes to compliance with EU rules on product safety; calls on the Commission, together with the market surveillance authorities, to conduct research on the safety of products from third countries, to scrutinise online marketplaces more actively and to increase their responsibility; urges the Commission, in cooperation with consumer organisations and the Member States, to better inform consumers about the possible dangers of non-compliant products from third countries purchased on online marketplaces; invites the Commission to require online marketplaces to apply the same rules to all entities that offer products to consumers in the EU, including those established in third countries;

27. Notes that while online platforms, such as online marketplaces, have benefited both retailers and consumers by improving choice and lowering prices, at the same time an increasing number of sellers — especially from third countries — are offering unsafe or illegal products in the single market; therefore urges online marketplaces to react as quickly as possible to notifications from RAPEX, and to cooperate effectively and proactively with the Member States' competent authorities, immediately withdrawing unsafe products and taking measures to stop them reappearing; asks the Commission to establish obligations requiring online marketplaces to react effectively to unsafe products, including by informing consumers if they have purchased an unsafe or otherwise non-compliant product; encourages online marketplaces, when contacted by consumer organisations to issue an alert about an unsafe product and to cooperate with them to assess the potential risk;

28. Asks the Commission and the Member States to ensure that online marketplaces enhance their cooperation via joint activities between themselves and the competent authorities, consult the RAPEX system before placing products on their websites, remove products identified as unsafe by RAPEX immediately, exchange information on sellers that break the rules, take effective and dissuasive measures against them and their supply chain, put in place a robust business user authentication system, and develop an easily accessible EU-wide tool for consumers to report unsafe products;

⁽¹⁸⁾ Product Safety Pledge is a voluntary commitment made by online marketplaces with respect to the safety of non-food consumer products sold online by third-party sellers from June 2018.

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29. Urges the Commission to assess how online marketplaces could improve their interconnection with the RAPEX system, provided that the latter is modernised and made compatible, for example through an application programme interface, in order to receive alerts that a product has been notified in the system and to ensure that products offered for sale are safe, and urges the Commission to require online marketplaces to introduce a link to RAPEX on their websites so as to raise awareness about this platform;

30. Asks the Commission to evaluate the requirement for online platforms to put in place effective and appropriate safeguards to tackle the appearance of advertisements for unsafe products that are not compliant with the EU regulatory framework including advertisements or misleading guarantees and statements made by suppliers or customers, and to accompany this evaluation with a thorough assessment of the impact of such provisions, including a cost efficiency analysis based on proportionality for online platforms;

31. Calls on the Commission to negotiate an ambitious WTO e-commerce agreement in order to improve respect for product safety rules online at EU and international level;

2020 Commission standards programme and traceability

32. Welcomes the fact that the EU standardisation programme for 2020 addresses the challenges emerging within the digital single market, such as AI, IoT, protection of data, including health data, cybersecurity and automated mobility; asks the Commission to mandate the European Committee for Standardization, the European Committee for Electrotechnical Standardization and the European Telecommunications Standards Institute to support the process of shaping harmonised standards, including for traditional sectors that did not previously use IT, in order to ensure the safe use of new and interoperable digital technologies on a uniform basis throughout the EU; underlines that standards, in particular regarding certain categories of products such as personal protective equipment, should be developed so as to ensure the highest level of safety for men and women; calls on the Commission and the Member States to support the participation of all relevant stakeholders, including consumer and business associations, in standardisation activities;

33. Emphasises that effective and efficient traceability along the supply chain is key to improving the safety and quality of products in compliance with the EU regulatory framework and the protection of EU consumers, since clear and reliable information on products prevents uncertainty for consumers, including persons with disabilities, empowers them to make informed choices on the basis of relevant information and allows market surveillance authorities to carry out their activities; asks the Commission to update the rules for the traceability requirements of non-harmonised products accordingly;

34. Asks the Commission to evaluate how distributed ledger technology such as blockchain could enhance the safety of products by improving product traceability throughout the supply chain, including through their standardisation; outlines that the development of solid and reliable electronic information would make checks by market supervisory authorities simpler and more effective;

Recalls

35. Notes that consumers respond poorly to recalls, and that unsafe products continue to be used even though they have been recalled; asks the Commission to publish guidelines in plain language on recall procedures, including a check list with concrete requirements, and to provide clear information about the benchmarks used by the market surveillance authorities, in order to increase the number of consumers reached while taking into account that SMEs and in particular micro enterprises might need additional help in order to cope with the guidelines;

36. Asks retailers, online marketplaces and consumer associations to play a greater role in recalls of unsafe products purchased online or offline by providing adequate and reliable information to consumers, and calls on retailers and online marketplaces to ensure that products are withdrawn swiftly from online marketplaces and shelves and recalled from consumers; asks the Commission and the Member States to require online marketplaces to put in place effective mechanisms to make sure they can reach their users, buyers and sellers, whether they are individuals or businesses, in order to inform them as quickly as possible when recalls are necessary; asks the Commission to assess how new technologies and algorithms can make this process more effective and to ensure that a larger number of affected consumers are reached;

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37. Urges the Commission and the Member States to enhance cross-border exchange of best practices on recalls and consider increasing product registration rates so that affected consumers can be more easily identified and actively informed, even for cross-border purchases, and to enable economic operators to use data — such as loyalty schemes — to reach consumers without infringing General Data Protection Regulation rules; calls on consumer associations to strengthen their cooperation with market surveillance authorities on recall procedures by listing products identified as unsafe in RAPEX on their websites;

38. Calls on the Commission and the Member States to draw up a simple and harmonised feedback report on recalls by economic operators to be submitted to the market surveillance authorities in order to assess the effectiveness of the recall;

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

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P9_TA(2020)0320

Strengthening Media Freedom: the Protection of Journalists in Europe, Hate Speech, Disinformation and the Role of Platforms

European Parliament resolution of 25 November 2020 on strengthening media freedom: the protection of journalists in Europe, hate speech, disinformation and the role of platforms (2020/2009(INI))

(2021/C 425/05)

The European Parliament,

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention on Human Rights (ECHR),
- having regard to the case law of the Court of Justice of the European Union and the European Court of Human Rights (ECtHR),
- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the UN Convention against Corruption and the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions,
- having regard to the relevant resolutions of the UN General Assembly and the UN Human Rights Council and the reports of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in particular that of 23 April 2020 entitled ‘Disease pandemics and the freedom of opinion and expression’,
- having regard to the joint declaration of 3 March 2017 by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, entitled ‘Freedom of expression and “Fake News”, Disinformation and Propaganda’,
- having regard to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity,
- having regard to the UN Human Rights Committee’s General Comment No 34 on Article 19 of the ICCPR (‘Freedoms of opinion and expression’),
- having regard to the 2030 Agenda for Sustainable Development and the commitments set out therein, inter alia promoting peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms,
- having regard to the work carried out by the Council of Europe to promote the protection and safety of journalists, including Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership and the declaration by the Committee of Ministers on the financial sustainability of quality journalism in the digital age, Recommendation CM/Rec(2016)4 of the Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, and its 2020 annual report entitled ‘Hands off press freedom: Attacks on media in Europe must not become a new normal’,
- having regard to Resolution 2300 of the Parliamentary Assembly of the Council of Europe (PACE) of 1 October 2019 on improving the protection of whistle-blowers all over Europe,

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- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 June 2020 entitled ‘Tackling COVID-19 disinformation — Getting the facts right’ (JOIN (2020)0008),
- having regard to the Commission communication of 29 January 2020 containing the Commission Work Programme 2020 (COM(2020)0027),
- having regard to the Commission communication of 17 July 2019 entitled ‘Strengthening the rule of law within the Union: A blueprint for action’ (COM(2019)0343),
- having regard to the Commission’s Gender Equality Strategy 2020-2025,
- having regard to the Commission communication of 26 April 2018 entitled ‘Tackling online disinformation: a European approach’ (COM(2018)0236),
- having regard to the Commission’s Code of Practice to fight online disinformation, agreed on 26 September 2018,
- having regard to the Commission recommendation of 1 March 2018 on measures to effectively tackle illegal content online (C(2018)1177),
- having regard to the Commission’s Action Plan against Disinformation of 5 December 2018,
- having regard to the Commission’s Code of Conduct on Countering Illegal Hate Speech Online, launched in May 2016 and to its fourth evaluation round, resulting in the document ‘Factsheet — 4th monitoring round of the Code of Conduct’,
- 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 ⁽¹⁾,
- having regard to 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 or AVMSD) ⁽²⁾, and Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU ⁽³⁾,
- having regard to the report of the European Regulators Group for Audiovisual Media Services of 2020 entitled ‘Disinformation: Assessment of the implementation of the Code of Practice’,
- having regard to the Council conclusions of 25 May 2020 on media literacy in an ever-changing world,
- having regard to the Council conclusions of 14 November 2018 on the strengthening of European content in the digital economy, which recognise the relevance of content generated by the media ‘as well as other cultural and creative sectors’ as ‘essential pillars of Europe’s social and economic development’,
- 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 ⁽⁴⁾,
- having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline, adopted on 12 May 2014, recognising artistic freedom as an inherent component of freedom of expression alongside media freedom,

⁽¹⁾ OJ L 305, 26.11.2019, p. 17.

⁽²⁾ OJ L 95, 15.4.2010, p. 1.

⁽³⁾ OJ L 303, 28.11.2018, p. 69.

⁽⁴⁾ OJ L 328, 6.12.2008, p. 55.

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- having regard to the Special Report update of the European External Action Service (EEAS) of 24 April 2020 entitled ‘Short Assessment of Narratives and Disinformation around the COVID-19/Coronavirus Pandemic’,
- having regard to the work carried out by the EU Agency for Fundamental Rights (FRA),
- having regard to the findings of the World Press Freedom Index, published by Reporters Without Borders, and to those of the Media Pluralism Monitor of the European University Institute’s Centre for Media Pluralism and Media Freedom,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽⁵⁾,
- having regard to its resolution of 9 January 2020 on ongoing hearings under Article 7(1) TEU regarding Poland and Hungary ⁽⁶⁾,
- having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI-free zones ⁽⁷⁾,
- having regard to its resolution of 18 December 2019 on the rule of law in Malta following the recent revelations surrounding the murder of Daphne Caruana Galizia ⁽⁸⁾,
- having regard to its resolution of 28 November 2019 on the EU’s accession to the Istanbul Convention and other measures to combat gender-based violence ⁽⁹⁾,
- having regard to its resolution of 10 October 2019 on foreign electoral interference and disinformation in national and European democratic processes ⁽¹⁰⁾,
- having regard to its resolution of 19 September 2019 on the importance of European remembrance for the future of Europe ⁽¹¹⁾,
- having regard to its resolution of 28 March 2019 on the situation of the rule of law and the fight against corruption in the European Union, specifically in Malta and Slovakia ⁽¹²⁾,
- having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017 ⁽¹³⁾,
- having regard to its resolution of 17 April 2018 on gender equality in the media sector in the EU ⁽¹⁴⁾,
- having regard to its resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and in political life in the EU ⁽¹⁵⁾,
- having regard to its resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights ⁽¹⁶⁾,
- having regard to its resolution of 25 October 2018 on the use of Facebook users’ data by Cambridge Analytica and the impact on data protection ⁽¹⁷⁾,

⁽⁵⁾ Texts adopted, P9_TA(2020)0054.

⁽⁶⁾ Texts adopted, P9_TA(2020)0014.

⁽⁷⁾ Texts adopted, P9_TA(2019)0101.

⁽⁸⁾ Texts adopted, P9_TA(2019)0103.

⁽⁹⁾ Texts adopted, P9_TA(2019)0080.

⁽¹⁰⁾ Texts adopted, P9_TA(2019)0031.

⁽¹¹⁾ Texts adopted, P9_TA(2019)0021.

⁽¹²⁾ Texts adopted, P8_TA(2019)0328.

⁽¹³⁾ Texts adopted, P8_TA(2019)0032.

⁽¹⁴⁾ OJ C 390, 18.11.2019, p. 19.

⁽¹⁵⁾ OJ C 433, 23.12.2019, p. 31.

⁽¹⁶⁾ OJ C 238, 6.7.2018, p. 57.

⁽¹⁷⁾ OJ C 324, 27.9.2019, p. 392.

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- having regard to its resolution of 3 May 2018 on media pluralism and media freedom in the European Union ⁽¹⁸⁾,
 - having regard to its resolution of 19 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová ⁽¹⁹⁾,
 - having regard to its resolution of 12 December 2017 on the EU Citizenship Report 2017: Strengthening Citizens' Rights in a Union of Democratic Change ⁽²⁰⁾,
 - having regard to its resolution of 3 October 2017 on the fight against cybercrime ⁽²¹⁾,
 - having regard to its resolution of 15 June 2017 on online platforms and the digital single market ⁽²²⁾,
 - having regard to its resolution of 14 March 2017 on fundamental rights implications of big data: privacy, data protection, non-discrimination, security and law enforcement ⁽²³⁾,
 - having regard to its resolution of 15 November 2017 on the rule of law in Malta ⁽²⁴⁾,
 - having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ⁽²⁵⁾,
 - having regard to its resolution of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken ⁽²⁶⁾,
 - having regard to the study of 28 February 2019 of Parliament's Policy Department for Citizens' Rights and Constitutional Affairs entitled 'Disinformation and propaganda — impact on the functioning of the rule of law in the EU and its Member States',
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Culture and Education,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0205/2020),
- A. whereas media freedom, pluralism, independence and the safety of journalists are crucial components of the right of freedom of expression and information, and are essential to the democratic functioning of the EU and its Member States; whereas key democratic tasks of the media include strengthening transparency and democratic accountability; whereas the media play an essential role in democratic society by acting as public watchdogs, while helping to inform and empower citizens by widening their understanding of the current political and social landscape and fostering their conscious participation in democratic life;
- B. whereas the crisis has highlighted the essential role played by journalists in providing citizens with reliable and verified information; whereas more effort must therefore be made to ensure safe and suitable working conditions for journalists; whereas investigative journalism should be given particular consideration in the context of fighting corruption and maladministration in the EU;

⁽¹⁸⁾ OJ C 41, 6.2.2020, p. 64.

⁽¹⁹⁾ OJ C 390, 18.11.2019, p. 111.

⁽²⁰⁾ OJ C 369, 11.10.2018, p. 11.

⁽²¹⁾ OJ C 346, 27.9.2018, p. 29.

⁽²²⁾ OJ C 331, 18.9.2018, p. 135.

⁽²³⁾ OJ C 263, 25.7.2018, p. 82.

⁽²⁴⁾ OJ C 356, 4.10.2018, p. 5.

⁽²⁵⁾ OJ C 215, 19.6.2018, p. 162.

⁽²⁶⁾ OJ C 208, 10.6.2016, p. 89.

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- C. whereas some Member States limit the freedom of the media through economic means, such as distorted public advertising among media outlets that alters competition, and directly control public media in order to influence editorial decisions and thus ensure pro-government loyalty; whereas public authorities should adopt a legal and regulatory framework which fosters the development of free, independent and pluralistic media;
- D. whereas all Member States must adhere to the values enshrined in Article 2 TEU;
- E. whereas media capture, the lack of institutional transparency, hate speech and disinformation are increasingly being exploited for political purposes as tools to intensify social polarisation; whereas combating these phenomena is not only relevant to the domain of human rights, but is also a fundamental factor in terms of the defence of the rule of law and democracy in the EU;
- F. whereas according to the 2020 World Press Freedom Index, the COVID-19 pandemic has highlighted and amplified many other crises that threaten the right to freely reported, independent, diverse and reliable information; whereas the index has revealed significant differences between the individual Member States, some scoring among the top in the world ranking, while others towards the bottom, which has resulted in a gap of more than 100 places between the best- and worst-performing Member States; whereas several Member States have fallen in international press freedom rankings;
- G. whereas the freedom of the media has been deteriorating in recent years, and while the COVID-19 outbreak has exacerbated this deterioration, it has also brought to the forefront the importance of the media and the right of access to reliable information;
- H. whereas according to the 2019 Reuters Institute Digital News Report the average level of trust in the news in general (worldwide) was down 2 percentage points to 42 % compared with 2018 and less than half those surveyed (49 %) said that they trusted the news media they themselves used; whereas trust in the news found via search (33 %) and social media (23 %) remains stable but extremely low;
- I. whereas the transparency of media ownership is an absolute precondition for ensuring media pluralism and independent journalism;
- J. whereas journalists and other media actors continue to face violence, threats, harassment, pressure, (self-)censorship, public shaming and even assassination in the EU as a result of doing their job to protect the public interest; whereas recent years have shown a growing pattern of intimidation aimed at silencing journalists that requires urgent action to uphold the essential role of the independent media in ensuring the principles of the rule of law; whereas the murders of Daphne Caruana Galizia and Ján Kuciak are two tragically profound examples of the extent to which investigative journalists are being targeted for exposing corruption and protecting democracy and the rule of law;
- K. whereas the threats to media freedom include harassment and attacks aimed at journalists, disregard for their legal protection, and media capture and politically motivated actions in the media sector;
- L. whereas women journalists face gender-specific forms of violence, such as sexual and online harassment; whereas more than 70 % of women working in the media have experienced more than one type of harassment, threat or attack online; whereas 52 % of women have experienced these types of offence in the past year alone; whereas online harassment and abuse is often highly sexualised, based not on the content of victims' work, but on their physical traits, cultural background, or private life; whereas these threats lead women journalists to self-censorship and have a chilling

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effect on press freedom and freedom of expression; whereas research consistently finds evidence that women are in the minority across media sectors, particularly in creative roles, and are severely underrepresented at senior decision-making levels ⁽²⁷⁾;

- M. whereas in several Member States, strategic lawsuits against public participation (SLAPP) are a continued practice used to scare journalists into halting investigations into corruption and other matters of public interest;
- N. whereas in addition to violence, intimidation and harassment of journalists there is a lack of prosecution of the perpetrators of these crimes, and impunity has a chilling effect; whereas the OSCE reports that impunity prevails as, for example, fewer than 15 % of murders of journalists in the OSCE region are solved;
- O. whereas the right of journalists to report and investigate needs to be further enhanced and effectively protected;
- P. whereas strengthening media freedom requires credible and detailed information on the scope and nature of the challenges to be faced in the Member States and the EU as a whole, including on cases of violation of the principles of the independent media and infringements of the fundamental rights of journalists;
- Q. whereas artistic freedom is an integral part of the fundamental right of freedom of expression and is essential for Europe's cultural diversity and democratic health; whereas attacks on artistic freedom are proliferating but remain invisible;
- R. whereas the global COVID-19 crisis is having a devastating social and economic impact on the media sector; whereas media outlets have been reporting considerable losses in their advertising revenue; whereas thousands of media workers have already lost or are at risk of losing their jobs, either temporarily or permanently; whereas this has had a particularly strong impact on freelance journalists and media workers, whose number is increasing throughout the EU and who already constitute a significant proportion of all journalists and media workers in Europe; whereas this poses a serious risk of further fostering the concentration of information in the hands of a few and preventing the spread of free and independent information; whereas the financial sustainability of jobs and financial independence are a crucial part of press freedom;
- S. whereas digital advertising revenue often benefits non-EU actors and European media revenues are in sharp decline, imperilling the future of traditional advertising-financed media companies such as commercial TV channels, newspapers and magazines;
- T. whereas in some Member States, State aid for media outlets has not been handled transparently, which puts these outlets' independence and credibility at serious risk;
- U. whereas the business model of social media platforms, based on micro-targeted advertising, plays a role in spreading and amplifying hate speech inciting discrimination and violence, and fostering radicalisation leading to violent extremism, including through the circulation of illegal content; whereas combating all forms of intolerance is an integral part of human rights protection as developed by the jurisprudence of the European Court of Human Rights;
- V. whereas the COVID-19 pandemic has led to the stigmatisation, including through the media, of some particularly vulnerable individuals, which has fostered the polarisation of European society and the proliferation of hate speech;
- W. whereas the phenomenon of cyber violence (including online hate speech, cyberstalking and online harassment) is becoming more widespread; whereas women who have a public role, among others politicians, journalists and activists fighting for women's rights and the rights of sexual minorities, are becoming a prime target for cyberbullying and online violence;

⁽²⁷⁾ International Women's Media Foundation, 'Global Report on the Status of Women in the News Media', 2011.

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- X. whereas the AVMSD obliges the authorities in every Member State to ensure that audiovisual media services and video-sharing platforms take measures to protect the general public from programmes, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the EU Charter of Fundamental Rights; whereas the AVMSD obliges Member States to ensure the independence of media regulators;
- Y. whereas the spread of misinformation and disinformation, as well as disproportionate actions to tackle it on digital platforms, poses a threat to freedom of information, to democratic discourse and to the independence of the media, and has increased the need for high-quality traditional media; whereas data analysis and algorithms are having an increasing impact on the information made accessible to citizens;
- Z. whereas the spread, on a massive scale, of news from different sources which are difficult to verify, along with the ever-growing role of social media and messaging platforms, is having a negative impact on the fundamental rights of EU citizens; whereas the COVID-19 pandemic has accelerated the impact of disinformation online, sometimes with serious consequences for public health, and has made even clearer the need to ensure free and independent information in order to protect the fundamental rights of citizens; whereas the lack of a coordinated communication strategy at EU level has facilitated the wave of disinformation concerning the pandemic, especially on social media and messaging platforms;
- AA. whereas disinformation and misinformation related to COVID-19 may cause panic and social discontent and need to be addressed; whereas measures to combat disinformation and misinformation cannot be used as a pretext for introducing disproportionate restrictions on press freedom, undermining media pluralism and putting the safety of journalists in jeopardy; whereas reports indicate that coordinated campaigns have been running across the Member States and neighbouring regions, promoting false health information and disinformation about the EU and its partners; whereas the Commission addressed these phenomena in its recent joint communication on tackling COVID-19 disinformation; whereas some governments have taken advantage of emergency legislation, and while some of the restrictions will be temporary, others risk being extended long after the health crisis is over; whereas pluralism of information sources, accountability and institutional transparency are a primary defensive barrier against disinformation;
- AB. whereas genuinely independent, adequately funded public service media operating across various platforms are key to a functioning democracy in the EU;

Media freedom, media pluralism and the protection of journalists in Europe

1. Reiterates its continued deep concern about the state of media freedom within the EU in the context of the abuses and attacks still being perpetrated against journalists and media workers in some Member States because of their work, as well as the growing public denigration and general weakening of the profession, weighing particularly heavily on local, investigative and cross-border journalism; stresses that, in accordance with the Council of Europe recommendation of 7 March 2018 on media pluralism and transparency of media ownership, Member States have a positive obligation to foster a favourable environment for freedom of expression, offline and online, in which everyone can exercise their right to freedom of expression, and invites the Member States to fully support and endorse the recommendation;
2. Is deeply shattered by the murders of Daphne Caruana Galizia in Malta and Ján Kuciak and his fiancée Martina Kušnírová in Slovakia due to their investigative work to unveil corruption and other crimes, and reiterates the importance of an independent investigation to bring to justice the perpetrators of and masterminds behind these crimes; calls on national law enforcement authorities to fully cooperate with Europol and other relevant international organisations in this regard;

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3. Deplores the fact that journalists and media workers often work in precarious conditions, which compromises their ability to work appropriately and thus hampers media freedom; stresses that adequate working conditions for journalists and media workers are crucial in fostering high-quality journalism; calls on the Commission and the Member States to promote sustainable measures aimed at financing and supporting high-quality and independent journalism;

4. Recalls the essential role played by investigative journalism in fighting organised crime by collecting and connecting relevant information, thereby exposing criminal networks and illicit activities; highlights the fact that these activities put them at increased personal risk;

5. Underlines the crucial role that investigative journalists play in holding power to account and performing their functions as watchdogs for democracy and the rule of law;

6. Strongly reiterates its call on the Commission to treat attempts by Member State governments to damage media freedom and pluralism as constituting a serious and systematic abuse of powers and as going against the fundamental values of the EU as enshrined in Article 2 TEU; welcomes, therefore, the Commission's intention to include a specific chapter on monitoring media freedom and pluralism in its Annual Report on the Situation of the Rule of Law within the EU; suggests, in this context, a bottom-up approach reflecting individuals' voices and diversity to ensure that the challenges faced by journalists and the media sector are effectively captured; calls, furthermore, for the inclusion in this chapter of country-specific recommendations and effective responses as well as an assessment of the transparency of ownership and the level of government and private interference in the EU Member States; encourages the Commission to actively cooperate with the Council of Europe, exchanging best practices and making sure that the measures undertaken are complementary; urges the Commission and the Member States to develop and maintain a credible framework for the protection of media freedom and media pluralism; calls for the Commission to aim to introduce standards and benchmarks for media freedom at Union level, as well as incentives for higher convergence between Member States; calls on the Commission and the Member States to fully support and strengthen the tools already developed for the promotion and protection of the rights and freedoms enshrined in Article 11 of the EU Charter of Fundamental Rights and Article 10 of the ECHR, such as the Media Pluralism Monitor and the Council of Europe Platform for the Protection of Journalism and Safety of Journalists, and to promptly react to possible threats to and violations of these rights and freedoms; urges the Commission to take into account the impact of the emergency measures taken in 2020 in the context of COVID-19 on press freedom, institutional transparency, accountability, media pluralism and safety of journalists, including through an overview of the attacks against journalists across the EU and the responses provided by Member States in this regard; recalls Parliament's repeated call for a permanent, independent and comprehensive mechanism covering democracy, the rule of law and fundamental rights in the EU; considers that the EU mechanism on democracy, the rule of law and fundamental rights must enshrine media freedom, including artistic freedom, as an essential pillar of a democratic system; calls on the Commission, in this context, to collect information and statistics on media freedom and pluralism in all the Member States;

7. Highlights the irreplaceable role of public service media and stresses that it is essential to ensure and maintain their independence from political interference; highlights, in addition, the need to ensure the financial independence of private market operators and the conditions for the sustainability of their activities so as to avoid media capture; reiterates Parliament's call for an ambitious EU media action plan in this context; condemns attempts by some Member State governments to silence critical and independent media and undermine media freedom and pluralism; warns of attempts to indirectly subdue such media by means of financial patronage and condemns, in particular, attempts to control public service media; deplores the fact that in some Member States public broadcasting has become an example of pro-government propaganda, which often excludes opposition and minority groups from society or presents them in defamatory contexts, and even in some cases incites violence; underlines that in some Member States, especially in rural areas, access to information is limited to public propaganda and language barriers restrict access to international news; recalls that access to information and high-quality journalism is of paramount importance for democracy; highlights the lack of obligatory content analysis for media outlets in some Member States, which would provide comparable public data regarding the balanced presence of pro-government and opposition voices on television and the radio, especially during election campaigns;

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8. Draws attention to the recommendations included in PACE Resolution 2255 of 23 January 2019, which call on the Member States to guarantee editorial independence, as well as sufficient and stable funding, for public service media; highlights that national, regional and local media, and in particular public service media, have an important responsibility to serve the public interest and to adequately reflect the cultural, linguistic, social and political diversity of our societies; stresses that the role of public service media as trusted providers serving the general public interest would be enhanced by appropriate and sustainable funding free from political interference in the Member States; calls on the Member States, therefore, to use financing models in which public service media are financed from sources independent of political decision-making; stresses the crucial need to safeguard independent authorities and ensure strong independent oversight of media against undue state and commercial intervention and attempts to influence editorial policies; calls on the Commission to present a legal framework to supervise the operations of public service media providers, including whether they fulfil the criteria of prudent management and task-based financing and whether their services fulfil expectations for fact-based, fair and ethical journalism;

9. Denounces the lack of balanced political debate among media outlets in certain Member States and the fact that the politically motivated restriction of information exists in practice, for example denying access to data of public interest, using delay tactics, the unjustified narrowing of the scope of information requested, banning journalists from public venues including parliaments, restricting journalists' opportunities for interviews with politicians and members of the government, and avoiding giving interviews to media outlets not in the government-friendly conglomerate, even those with significant national outreach; stresses that public authorities must ensure transparency with regard to their activities, thereby helping to bolster public confidence, given that the free flow of information helps to protect life and health and facilitates and promotes social, economic and political debate and decision-making; calls on Member States to ensure that journalists and media outlets have meaningful access to parliamentary debates, to members of parliaments and high-ranking government officials, to data of public interest and to public events and press conferences, especially those of governments, as the lack of such access seriously restricts the notion of freedom of the media;

10. Reiterates its concern about the lack of specific legal or policy frameworks protecting journalists and media workers from violence, threats and intimidation at national level within the EU; calls on public figures and authority representatives to refrain from denigrating journalists, as this undermines trust in the media across society; underlines the important role of journalists in reporting on protests and demonstrations and calls for their protection so that they can carry out their role without fear; asks Member States to provide specific training programmes for law enforcement authorities responsible for the protection of journalists; calls on the Member States and the Commission to ensure — in law and in practice — the effective protection and safety of journalists and other media actors as well as of their sources, including in a cross-border context; firmly believes, in this regard, that Member States should prohibit the use of private investigators as a form of intimidation for the purpose of obtaining information about journalists in their professional capacity or about their sources;

11. Is deeply concerned about the increasing political attacks on the media and deplores the lack of protection of journalistic sources; recalls Member States' obligation to carry out prompt, impartial and effective investigations into attacks such as threats, killings, harassment, intimidation and ill-treatment perpetrated against journalists and urges Member States to step up efforts to end threats and attacks against journalists and media workers, to ensure accountability, and to guarantee that victims and their families have access to the appropriate legal remedies; calls on the Commission and the Member States to ensure that reporting mechanisms are accessible; calls for the implementation of the EU Human Rights Guidelines on Freedom of Expression Online and Offline, which stress that the EU will take all appropriate steps to ensure the protection of journalists, both in terms of preventive measures and by urging effective investigations when violations occur; highlights that women journalists are especially vulnerable to harassment and intimidation and should therefore be subject to additional safeguards; expresses deep concerns about the rise in attacks against female journalists and media workers; reiterates its call on Member States to take a gender-sensitive approach when considering measures to address the safety of journalists;

12. Calls on the Member States to fully implement the Council of Europe recommendation on the protection of journalism and safety of journalists and other media actors, and to transpose Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law, which aims to set minimum common standards to ensure a high level of protection for whistle-blowers, into their national legislation as soon as possible; highlights that whistle-blowing is essential for investigative journalism and the freedom of the press;

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13. Condemns the use of SLAPP to silence or intimidate investigative journalists and outlets and create a climate of fear around their reporting of certain topics; strongly reiterates its call on the Commission to come forward with a comprehensive proposal for a legislative act aiming to establish minimum standards against SLAPP practices across the EU;

14. Points to the final recommendations of the Special Committee on Organised Crime, Corruption and Money Laundering (CRIM) set out in its resolution of 23 October 2013 on organised crime, corruption and money laundering, according to which defamation and libel laws dissuade possible reporting of corruption; reiterates its call for all the Member States to de-penalise defamation and libel laws in their legal systems, at least for cases involving allegations of organised crime, corruption and money laundering in Member States and abroad;

15. Calls on the Commission to set up an EU hotline as a rapid-response mechanism for journalists requesting protection and to ensure that adequate attention is paid to their situation;

16. Stresses that excessive concentration of ownership in the content-producing and content-distributing sectors may threaten citizens' access to a range of content; underlines that media pluralism, which depends on the existence of a diversity of media ownership and of content as well as independent journalism, is key to challenging the spread of disinformation and ensuring that EU citizens are well-informed; recalls that according to the Media Pluralism Monitor 2020, media ownership concentration remains one of the most significant risks to media pluralism and is seen as creating barriers to the diversity of information; calls on the Member States to adopt and implement media ownership regulatory frameworks in order to avoid horizontal concentration of ownership in the media sector and to guarantee transparency, disclosure and easy accessibility for citizens with regard to information on media ownership, funding sources and management; calls on the Commission to monitor the implementation at Member State level of existing EU instruments against ownership concentration and illegal State aid to increase diversity in the media landscape; condemns any attempt to monopolise media ownership in the Member States or exert political interference in media management; urges the Commission and the Member States to act quickly and resolutely to increase the transparency of media ownership and the financial sources used by media owners; calls on the Commission to strengthen efforts to ensure that the media proactively publish information about their ownership structures, including their beneficial owners, and that clear rules are put in place to prevent potential conflicts of interest arising in media ownership structures, with a special emphasis on avoiding political interference; condemns governments' excessive interference in media pluralism through public advertising; calls on the Commission to closely monitor the use of EU funds allocated to supporting free and independent media in order to channel the resources to those in need; emphasises, in this respect, that EU money cannot be spent on state-controlled media and media that distribute political propaganda;

17. Deplores the fact that in some Member States media regulatory bodies have come under government influence and operate in a manner biased against media outlets that are critical of the government;

18. Is concerned about attempts to take advantage of the COVID-19 pandemic to punish independent and critical media and introduce restrictions on the media's access to and scrutiny of government decisions and actions, suppressing or mitigating institutional transparency mechanisms by adopting exceptional measures and hampering proper and informed debate on those actions; stresses the role of journalism and the free flow of information as essential to the EU's efforts to contain the COVID-19 pandemic; points out that journalism also plays a crucial function at a moment of public health emergency; calls on the Commission to monitor such national government practices comprehensively and to include the results in its annual reports on the rule of law;

19. Calls on the Commission and the Member States to urgently introduce EU and national emergency recovery packages to protect the jobs and livelihoods of journalists and media workers, support companies and fund public service media through the COVID-19 economic recovery plan, while fully respecting EU competition rules; highlights that during

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the COVID-19 crisis certain media outlets, and local media platforms in particular, estimated losses of as much as 80 % ⁽²⁸⁾ of their revenues owing to the decrease in advertising; stresses that in the face of the pandemic European citizens need professional, economically secure and independent journalists; reiterates in this context its call for the creation of a permanent European fund for journalists in the framework of the next MFF (2021-2027), as redrafted following the COVID-19 crisis, offering direct financial support for independent journalists and media outlets, freelancers and self-employed media workers; underlines that funding should be managed by independent organisations in order to avoid any interference with editorial decision-making and that support should be provided only for those public and commercial media outlets that are truly independent and free from government or any other interference; recalls that special emphasis should also be placed on independent media start-ups, particularly local ones, in Member States where media freedom has worsened in recent years, media ownership concentration has increased significantly and public service media are under threat from political influence;

20. Reiterates, in this context, its call for an ambitious EU media action plan to support the development of a vibrant and pluralistic media landscape;

21. Calls for an ambitious MFF with increased budget allocations for supporting the media and independent journalism, in particular investigative journalism; stresses the importance of innovation in journalism and news media, which could be fostered through EU funding; notes with concern the budgetary cuts envisioned to the Creative Europe and Justice, Rights and Values programmes in the Commission's revised budget proposal;

22. Strongly welcomes the allocation of EU funds to enable the launch of new projects, such as the Europe-wide rapid response mechanism for violations of press and media freedom and the cross-border investigative journalism fund, in order to strengthen media freedom and pluralism;

23. Underlines that the media have a powerful role to play in promoting gender equality and anti-discrimination; urges the Commission and the Member States to take active steps to promote gender equality in the media sector so that more women can hold creative and decision-making positions, which would enable the media to contribute to the reduction of gender stereotypes;

Hate speech

24. Condemns all types of incidents of hate crime, hate speech and accusations devoid of foundation or formulated in bad faith ⁽²⁹⁾, both offline and online, motivated by discrimination based on any grounds, 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, that occur within the EU and elsewhere; expresses concern over the hate crimes and crimes relating to incitement to discrimination or violence which occurred during the COVID-19 pandemic, leading to the stigmatisation of some particularly vulnerable individuals;

25. Deplores the increasing levels of hate speech used in political communication by governments and political parties across the EU; calls on the Member States to strongly condemn and sanction hate crime, hate speech and scapegoating by politicians and public officials, at all levels and on all types of media, as these phenomena directly normalise and reinforce hatred and violence in society, and to refrain from discriminatory and inciting rhetoric in governmental communication as it is detrimental to society; stresses that sanctions should always be in compliance with the international standards of freedom of expression; calls, furthermore, on the Member States, within the limits of the law, to guarantee and encourage freedom of expression, including artistic freedom, which is essential to vigorous democratic debate; recalls that racist and xenophobic speech are not covered by freedom of expression;

⁽²⁸⁾ See *The Economist*, 'The newspaper industry is taking a battering', 18 April 2020 and News Media Europe, 'COVID-19 and the news media: journalism always comes at a cost', 24 March 2020.

⁽²⁹⁾ Judgment of the European Court of Human Rights of 23 April 1992, Application No 11798/85, paragraph 46.

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26. Reiterates its call on the Member States to implement and enforce further measures to prevent, condemn and counter hate speech and hate crime, so as to counter the spread of hate speech and violence offline and online, while also ensuring that law enforcement applies effective hate crime recording practices based on the principles endorsed by the EU High Level Group on combating racism, xenophobia and other forms of intolerance;

27. Highlights that online hate speech has become increasingly widespread in recent years as individuals and disruptive actors use the power of online platforms to spread hateful information; stresses that this harms the collective public interest as harmful content undermines respectful and honest public discourse, and poses threats to public safety given that online hate speech can incite real-world violence;

28. Points out that the legal framework for tackling hate speech and discrimination should be reinforced; reiterates its call for negotiations on the horizontal anti-discrimination directive to be unblocked to that end;

29. Reiterates its call on the Commission and the Member States to take measures to increase women's security in public spaces and on the internet, to address emerging forms of gender-based violence such as cyberstalking and online harassment, and to introduce comprehensive mechanisms to assist victims of such violence;

30. Reiterates its call on the Commission and the Council to activate the 'passerelle clause' enshrined in Article 83(1) TFEU in order to include violence against women and girls and other forms of gender-based violence (including cyber violence) in the catalogue of EU-recognised crimes;

31. Takes note of the Code of Conduct on Countering Illegal Hate Speech Online, promoted by the Commission, and of its fifth evaluation round, which found that, on average, IT companies remove 71 % of the illegal hate speech notified to them; recalls that journalists and civil society organisations should be included in evaluations and reviews of the Code of Conduct and that the IT companies participating in the Code of Conduct only review requests for removal against their terms and conditions and community guidelines; highlights the wide margin of discretion left to private companies to determine what is illegal; encourages all companies that run social media platforms to participate in the Code of Conduct;

32. Points out that Member States must ensure, by all appropriate means, that the media, including online and social media, as well as advertising, are free from all incitement to violence or hatred directed against any person or group of persons, which can have a direct effect on the participation in civil society of these individuals; reiterates its call on the Commission, the Member States and social media companies to counteract the spread of racism, xenophobia, LGBTI-phobia and religious hatred on the internet, in cooperation with the relevant civil society organisations; calls on Member States and the Commission to collect more reliable data on the extent of hate speech and hate crimes;

33. Expresses its concern about the lack of reporting of hate crimes by victims owing to inadequate safeguards and to the failure of authorities to investigate properly and end impunity for hate crimes in the Member States; calls on the Member States to develop and disseminate tools and mechanisms for reporting hate crimes and hate speech, and to ensure that any case of alleged hate crime or hate speech is effectively investigated, prosecuted and tried;

Disinformation and the role of platforms

34. Notes that the new digital technology and social media have been factors in the problem of the spread of disinformation and foreign interference, and have resulted in online platforms playing an influential role in publishing, disseminating and promoting news and other media content; reiterates its concern about the potential threat disinformation poses to freedom of information, freedom of expression, democratic discourse, the independence of the media and public health; highlights that measures combating disinformation should focus on fostering a plurality of opinions through the promotion of high-quality journalism, delivering reliable, fact-based and verified information, and on

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building media literacy, and that any such measures must provide guarantees for freedom of information and freedom of expression;

35. Calls for greater collaboration between online platforms and law enforcement authorities so as to address effectively the spread of messages that incite hatred or instigate violence; stresses the importance of promptly removing illegal content in order to curb its uncontrolled spread; notes, however, that online platforms cannot and must not become private censors and that any removal of illegal content by online platforms must be subject to safeguards, including review by the courts of the Member States, in order to protect freedom of expression, including artistic freedom, the right to free and independent information and the fundamental rights of citizens in general; recalls that online platforms are part of the online public sphere in which public debate takes place; calls on the Commission to ensure safeguards for platforms so that fundamental rights and freedom of speech are respected;

36. Recalls that political profiling, disinformation and manipulation of information are often used by political parties and private or public entities, and reiterates its concern about the fact that evidence of interference is continuously coming to light, with indications of foreign influence, in the run-up to all major national and EU elections, with much of this interference benefiting anti-EU and populist candidates seeking to polarise and nullify ideological pluralism while targeting specific minorities and vulnerable groups; points out that fighting interference by third parties in the future will be a fundamental factor in upholding European values and democracy; underlines, in the context of the COVID-19 emergency, that disinformation and sensationalised media reports relating to the pandemic have also been used by extreme right-wing and populist groups and politicians to target minority groups and contribute to anti-immigration rhetoric, which has led to increased instances of racist and xenophobic hate speech, as well as discrimination;

37. Points out that different forms of misinformation and disinformation, as well as other forms of information manipulation relating, inter alia, to the COVID-19 pandemic, continue to proliferate around the world, are often targeted at the most vulnerable communities, and have potentially harmful consequences for public security, health and effective crisis management; takes the view that these disinformation campaigns seek to undermine the democratic process and citizens' trust in the democratic institutions of the Member States; welcomes the joint communication of 10 June 2020 on tackling COVID-19 disinformation; recalls that all measures to combat disinformation, including those taken in the context of the COVID-19 emergency, need to be necessary, proportionate, transparent, temporary and subject to regular oversight, avoiding any drift leading to public monopoly or concentration of information sources, and may under no circumstances prevent journalists and media actors from carrying out their work or lead to content being unduly removed or access to such content blocked on the internet; deplores the fact that certain online platforms remove or censor content, including journalistic content, related to the COVID-19 pandemic on the basis of non-transparent terms and conditions which unnecessarily limit freedom of expression; stresses that resorting to such measures may result in access to important public health information being prevented or limited; highlights that any attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression;

38. Condemns conspiracy theories and publicly funded disinformation campaigns aimed at discrediting the EU and misleading the public about its aims and activities; calls on the Commission to openly condemn and debunk the lies and disinformation spread by any state authorities about the EU and to publish and distribute a factual response in order to inform citizens;

39. Welcomes the Commission's initiative to present a European Democracy Action Plan that aims to counter disinformation and to adapt to evolving threats and manipulations, as well as to support free and independent media; emphasises in this respect that protecting freedom of expression, including free, independent and financially viable media, artistic freedom, fundamental rights content and democratic debate, while combating hate speech and disinformation, is a fundamental factor in terms of the defence of the rule of law and democracy in the EU; notes with concern that according to a Global Disinformation Index (GDI) study, websites spreading disinformation in the EU receive more than EUR 70 million in ad revenue every year; highlights the potentially negative impact of business models based on micro-targeted advertising; confirms that the General Data Protection Regulation⁽³⁰⁾ provides for the right of individuals not to be subject

⁽³⁰⁾ 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 (OJ L 119, 4.5.2016, p. 1).

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to pervasive online tracking across sites and applications; calls on the Commission to engage further with digital platforms in this regard and to step up efforts to enforce the prohibition of such practices, combat the strategic, automated amplification of disinformation through the use of bots and fake profiles online, and increase transparency with respect to the financing and distribution of online advertising; calls, furthermore, on all online platforms to ensure that the algorithms that underpin their search functions are not primarily based on advertising; asks for the establishment of a digital and fundamental rights multi-stakeholder expert group encompassing independent media and digital and human rights NGOs in order to assist the Commission and the EU institutions in general;

40. Welcomes the launch of the European Digital Media Observatory (EDMO) project, which will increase the scientific knowledge available with regard to online disinformation, promote the development of an EU information verification services market and support the creation of a cross-border and multidisciplinary community composed of fact checkers and academic researchers cooperating with stakeholders to identify, analyse and expose potential disinformation threats, with regard to COVID-19 for example;

41. Reminds the Commission and the Member States as well as the private sector, in particular online platforms, and civil society as a whole of the need for joint action when it comes to the fight against disinformation; stresses that online platforms should play a key role in detecting and countering disinformation; acknowledges the promising and necessary yet still insufficient impact of the voluntary actions taken by some service providers and platforms to counter disinformation, illegal content and foreign interference in electoral processes in the EU; highlights, however, that online platforms are currently still failing to take appropriate responsibility for countering those immediate threats;

42. Emphasises that the effectiveness of actions by online platforms to tackle disinformation can only be assessed when conducted in full transparency and by sharing relevant data; urges the Commission, therefore, to assess all possible measures to oblige online platforms to address the spread of disinformation effectively, in a transparent and accountable manner, and to share the relevant data accordingly; calls on the Commission to consider sanctions for online platforms that fail to do so; expects to see this reflected in the European Democracy Action Plan and the Digital Services Act accordingly;

43. Stresses, in this regard, that removing online content in the absence of a judicial order determining its illegal nature has a strong impact on freedom of expression and information; calls for regular impact assessments of the voluntary actions taken by service providers and platforms to counter disinformation; insists on Member States' obligation to respect, protect and guarantee fundamental rights and requests the assessment of all available options to protect and uphold the right to information and participation; calls on the Commission, in this respect, to propose EU rules on online platforms aimed also at countering government practices that unnecessarily limit freedom of expression; stresses that using automated tools in content moderation may endanger freedom of expression and information and that EU digital policy and strategy must provide for appropriate remedies and safeguards in full compliance with the relevant provisions of the EU Charter of Fundamental Rights and of the ECHR;

44. Considers that the EU Code of Practice on Disinformation could be strengthened through improved monitoring of existing commitments, the transparent and disaggregated provision of information and data by online platforms, and the expansion of such commitments; considers that a co-regulatory approach that continuously reflects current developments in the digital sphere could be a way forward;

45. Encourages social media companies and online platforms to explore possibilities to make tools available to enable users to report and flag potential disinformation in order to facilitate prompt rectification and allow for review by independent and impartial third-party fact-checking organisations, while preventing misuse of such tools; stresses that online platforms should cooperate with Member States and the EU institutions to facilitate the assessment of disinformation and foreign interference and the identification of perpetrators;

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Media literacy

46. Calls on the Commission and the Member States to increase their efforts to strengthen education policies that promote media and information literacy, empower citizens to think critically and help them to identify disinformation; highlights, in this respect, that upholding editorial independence within central and local media outlets and developing media literacy projects are essential elements for building resilience, raising awareness and strengthening education in efficiently fighting propaganda, disinformation and manipulation; considers that continuous media literacy curricula and efforts across all age groups are of significant importance when increasing societal resilience to such threats in the digital space; calls on the Commission, in this regard, to work in close cooperation with the Member States and civil society organisations to develop curricula on information, media and data literacy; stresses that media literacy is an increasingly essential and critical skill for citizens; points out that in order to reach a wider audience and as many age groups as possible, it is important to scale up media literacy initiatives through social media platforms, including effective media literacy strategies for the elderly and the most vulnerable groups; calls on the Commission and the Member States to also promote programmes and policies aimed at fostering media and news literacy for journalists and media actors and at developing a critical and conscious appreciation of the use of ICT, such as, for instance, campaigns raising awareness of rights and possible risks in the digital sphere; stresses the need to develop a comprehensive EU strategy on media literacy and calls on the Commission to step up efforts to this end; underlines the key role of civil society organisations in fostering media literacy and helping to prevent the spread of hate speech; recalls that programmes deemed to be using effective strategies to combat hate crime and hate speech are focused on cooperation, communication, conflict resolution, problem solving, mediation and bias awareness;

47. Urges the Commission to step up efforts to increase EU funding for media literacy programmes and to actively engage in the promotion of reliable, fact-based and fact-checked information by enhancing media distribution channels in order to improve access to such information; calls on Member States to fully implement the provisions of the revised AVMSD, which require them to promote and develop media literacy skills;

48. Encourages the Commission to provide support to complement educational programmes in all Member States, not only within the scope of media literacy, but also in wider civic education, including education in democratic values and human rights for further sensitisation to disinformation and propaganda;

49. Highlights the fact that local and community media organisations are key structures for the promotion, production and dissemination of information and facts related to local and minority artistic and cultural events; considers them to be an important instrument for maintaining media pluralism and a multicultural environment in Europe; considers that community media outlets should also be involved as stakeholders in EU programmes dedicated to promoting journalism and media literacy, and calls on the Member States to provide them with adequate support, ensuring they carry out their educational and cultural roles;

50. Calls for the EU institutions to ensure strengthened and proactive communication in all official languages when major public emergencies, such as the pandemic, occur, in order to ensure that EU citizens have access to accurate, user-friendly and verified information;

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51. 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)0321

A New Industrial Strategy for Europe

European Parliament resolution of 25 November 2020 on a New Industrial Strategy for Europe (2020/2076(INI))

(2021/C 425/06)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular its Articles 9, 151, 152, 153 (1) and (2), as well as its Article 173, which concerns EU industrial policy and refers, among other things, to the competitiveness of the Union's industry,
- having regard to Articles 14, 27 and 30 of the Charter of Fundamental Rights of the European Union,
- having regard to the TFEU and to the Treaty on European Union (TEU), in particular to its Article 5(3) and to Protocol No 2 thereto on the application of the principles of subsidiarity and proportionality,
- having regard to Article 3(3) TEU, which refers to the internal market, sustainable development and the social market economy,
- having regard to the European Pillar of Social Rights,
- having regard to the findings of the Digital Economy and Society Index 2020, published on 11 June 2020,
- having regard to the Commission document of 2 June 2020 on the Roadmap of the Pharmaceutical Strategy — timely patient access to affordable medicines,
- having regard to the Commission communication of 27 May 2020 entitled 'Europe's moment: Repair and Prepare for the Next Generation' (COM(2020)0456),
- having regard to the Commission communication of 27 May 2020 entitled 'Adjusted Commission Work Programme 2020' (COM(2020)0440),
- having regard to the Commission communication of 19 February 2020 on a European strategy for data (COM(2020)0066),
- having regard to the Commission White Paper of 19 February 2020 on 'Artificial Intelligence: A European Approach to Excellence and Trust' (COM(2020)0065),
- having regard to the Commission report of 19 February 2020 on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics (COM(2020)0064),
- having regard to its resolution of 15 May 2020 on the new multiannual financial framework, own resources and the recovery plan ⁽¹⁾,
- having regard to the Commission's European Economic Forecast: Spring 2020,
- having regard to the conclusions of 23 April 2020 of the President of the European Council following the video conference of the members of the European Council,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽²⁾,
- having regard to the joint communication from the Commission and the High Representative of 8 April 2020 on the global EU response to COVID-19 (JOIN(2020)0011),

⁽¹⁾ Texts adopted, P9_TA(2020)0124.

⁽²⁾ Texts adopted, P9_TA(2020)0054.

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- having regard to the conclusions of 17 March 2020 of the President of the European Council following the video conference with members of the European Council on COVID-19,
- having regard to the Commission communication of 13 March 2020 entitled ‘Coordinated economic response to the COVID-19 Outbreak’ (COM(2020)0112),
- having regard to the Commission communication of 11 March 2020 entitled ‘A new Circular Economy Action Plan — For a cleaner and more competitive Europe’ (COM(2020)0098), to the conclusions on ‘More circularity — Transition to a sustainable society’ adopted by the Council at its 3716th meeting held on 4 October 2019 (12791/19), and to the Commission communication of 2 December 2015 entitled ‘Closing the loop — An EU action plan for the Circular Economy’ (COM(2015)0614),
- having regard to the Commission communication of 10 March 2020 entitled ‘A New Industrial Strategy for Europe’ (COM(2020)0102),
- having regard to the Commission communication of 10 March 2020 entitled ‘An SME Strategy for a sustainable and digital Europe’ (COM(2020)0103),
- having regard to the Commission proposal for a regulation of 4 March 2020 establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law) (COM(2020)0080),
- having regard to the Commission communication of 19 February 2020 entitled ‘Shaping Europe’s digital future’ (COM(2020)0067),
- having regard to the Commission Work Programme 2020 entitled ‘A Union that strives for more’ (COM(2020)0037),
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽³⁾,
- having regard to the Commission communication of 14 January 2020 on the Sustainable Europe Investment Plan (COM(2020)0021),
- having regard to the Commission report of 28 November 2019 entitled ‘Masterplan for a Competitive Transformation of EU Energy-Intensive Industries — Enabling a Climate-neutral Circular Economy by 2050’ (report by the High Level Group on Energy-intensive Industries),
- having regard to its resolution of 18 December 2019 on fair taxation in a digitalised and globalised economy: BEPS 2.0 ⁽⁴⁾,
- having regard to the European Council conclusions of 12 December 2019 (EUCO 29/19),
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to the European Council conclusions of 20 June 2019 on ‘A new strategic agenda for the EU 2019-2024’ (EUCO 9/19),
- having regard to the conclusions on ‘A future EU Industrial Policy Strategy’, adopted by the Council at its 3655th meeting held on 29 November 2018 (14832/2018),
- having regard to the Commission communication of 22 May 2018 on ‘A New European Agenda for Culture’ (COM(2018)0267),

⁽³⁾ Texts adopted, P9_TA(2020)0005.

⁽⁴⁾ Texts adopted, P9_TA(2019)0102.

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- having regard to the Commission communication of 13 September 2017 entitled ‘Investing in a smart, innovative and sustainable Industry — A renewed EU Industrial Policy Strategy’ (COM(2017)0479),
- having regard to its resolution of 5 July 2017 on building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe ⁽⁵⁾,
- having regard to its resolution of 1 June 2017 on digitising European industry ⁽⁶⁾,
- having regard to the question for an oral answer to the Commission on building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe (O-000047/2017),
- having regard to its resolution of 19 January 2016 entitled ‘Towards a Digital Single Market Act’ ⁽⁷⁾,
- having regard to the Commission communication of 19 April 2016 entitled ‘Digitising European Industry — Reaping the full benefits of a Digital Single Market’ (COM(2016)0180),
- having regard to the Paris Agreement, ratified by the European Parliament on 4 October 2016,
- having regard to its resolution of 5 October 2016 on the need for a European reindustrialisation policy in light of the recent Caterpillar and Alstom cases ⁽⁸⁾,
- having regard to the European Council conclusions of 15 December 2016 and 23 June 2017,
- having regard to its resolution of 13 December 2016 on a coherent EU policy for cultural and creative industries ⁽⁹⁾,
- having regard to the Council conclusions on the Industrial Competitiveness Agenda, on the digital transformation of European industry and on the ‘Digital Single Market Technologies and Public Services Modernisation’ package,
- having regard to the Commission communication of 14 October 2015 entitled ‘Trade for All — Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to its resolution of 15 January 2014 on reindustrialising Europe to promote competitiveness and sustainability ⁽¹⁰⁾,
- having regard to the Commission communication of 22 January 2014 entitled ‘For a European Industrial Renaissance’ (COM(2014)0014),
- having regard to the European Council conclusions of 22 May 2013 and of 22 March 2019 (EUCO 1/19),
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Regional Development, and the Committee on Legal Affairs,
- having regard to the letter from the Committee on Fisheries,
- having regard to the report of the Committee on Industry, Research and Energy (A9-0197/2020),

⁽⁵⁾ OJ C 334, 19.9.2018, p. 124.

⁽⁶⁾ OJ C 307, 30.8.2018, p. 163.

⁽⁷⁾ OJ C 11, 12.1.2018, p. 55.

⁽⁸⁾ OJ C 215, 19.6.2018, p. 21.

⁽⁹⁾ OJ C 238, 6.7.2018, p. 28.

⁽¹⁰⁾ OJ C 482, 23.12.2016, p. 89.

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- A. whereas the European Union requires a new industrial strategy in line with the goal of climate neutrality by 2050 at the latest that will create the conditions for an innovative, inclusive, resilient, digitalised society and will make a major contribution to the global competitiveness of European industries; whereas this strategy should maintain high levels of employment and high-quality jobs, leaving no-one behind; whereas such a strategy needs to ensure the twin transition to a European industrial base that is modern, digitalised, tapping the full potential of renewables, highly energy- and resource-efficient and climate-neutral; whereas the strategy should also strengthen European global leadership and reduce the Union's dependency on other parts of the world in strategic value chains by means of diversification and making them more sustainable, avoiding the delocalisation of European industries while preserving an open market;
- B. whereas the COVID-19 pandemic and its fallout have created an unprecedented economic downturn in Europe that risks exacerbating inequalities and social tensions in the Union, especially among the most vulnerable citizens;
- C. whereas industrial competitiveness and climate policy are mutually reinforcing and innovative and climate-neutral reindustrialisation will create local jobs and ensure the competitiveness of the European economy; whereas such an approach should be applied across all policies related to the green and digital transition;
- D. whereas the Union needs to unlock the untapped entrepreneurship potential of particular social groups among whom it needs to be fully developed, including young people, migrants, older people and women; whereas the Union's industrial strategy could represent an opportunity to foster the entrepreneurial culture of under-represented or disadvantaged groups and to enable them to fully contribute to the digital and green transition;
- E. whereas all sectors of the economy, and in particular SMEs, have been impacted by the COVID-19 pandemic and the unprecedented economic downturn it has created, with some sectors even coming to a complete standstill; whereas in this context a rapid and just recovery will not be achieved through 'business as usual', and any future-oriented industrial strategy should start by addressing industrial recovery and long-term global competitiveness, especially in growth sectors and those sectors hit hardest by COVID-19 lockdown measures;
- F. whereas new debts contracted to survive the economic downturn are likely to leave companies with a more fragile financial structure, leading to sluggish growth and lack of investment capacities in the short, medium and long term for achieving the twin transition to an economy that is both digitalised and climate-neutral, resource-efficient and circular;
- G. whereas in these circumstances the Union requires an industrial strategy that has two distinct phases, one focusing on recovery and the other on reconstruction and resilience; whereas the economic recovery should be based on a strong social and environmentally sustainable approach and should support industrial reconstruction towards a successful digital and green transformation, with skilled workforces accompanying these transformations and ensuring a fair and just transition;
- H. whereas the industrial sector in Europe is highly intertwined and there are strong interrelationships between Member States and different approaches to companies of different sizes; whereas, consequently, a coordinated European policy that ensures that the entire chain of production can benefit, from large enterprises to SMEs, will be more successful in increasing Europe's global competitiveness and sustainability;
- I. whereas the Union should continue to pursue ambitious trade agreements both multilaterally and bilaterally; whereas before the COVID-19 crisis, European industry, while remaining the pillar of the Union's economy and employing approximately 32 million people, was already at a crossroads, with its contribution to EU GDP having decreased from 23 % to 19 % over the last 20 years; whereas it is currently facing intense international competition and is often affected by increasingly protectionist trade measures from third countries which do not practise high environmental and social standards;
- J. whereas the New European Industrial Strategy needs to ensure the twin transition to a European industrial base that is competitive and sustainable; whereas this transformation constitutes an opportunity for Europe to modernise its industrial foundations, maintain and reshore jobs and key industrial production, and build up the skills and capacities that are essential for the global effort to deliver on the objectives set in climate law and the Sustainable Development Goals (SDGs);

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- K. whereas the strategy needs to provide the necessary regulatory framework to enable the twin transition, as well as the necessary infrastructures and financial resources, and to focus on the 'energy efficiency first' principle, energy and resource savings, renewable and zero and low-carbon energy technologies, circularity and non-toxicity;
- L. whereas beyond the COVID-19 crisis, climate change and environmental degradation remain among the greatest challenges and require a comprehensive common approach; whereas EU industrial emissions contribute to Europe's total greenhouse gas (GHG) emissions; whereas the decarbonisation of energy-intensive industry remains one of the greatest challenges on the pathway towards achieving climate neutrality by 2050 at the latest; whereas all sectors should contribute to the achievement of the Union's climate objectives;
- M. whereas the COVID-19 crisis has pointed up the crucial role of digital assets, including connectivity and networks, as well as of digital skills, as tools enabling workers and companies to adapt the way they carry out their tasks and operations to the emergency situation; whereas the resilience of the digital infrastructure and the enhancement of the digital skills of the workforce are priority areas in terms of boosting the competitiveness of European enterprises, especially SMEs;
- N. whereas the new industrial strategy of the Union should focus on increased connectivity, enhanced digital layers, the Industrial Internet of Things (IIoT), artificial intelligence, digital ledger technologies, hyper-performance computing and quantum computing; whereas the digital sector will also contribute to the European Green Deal and the industrial transition towards climate neutrality, both as a source of technological solutions and optimisation of industrial processes, and by improving the energy efficiency and circular economy performance of the digital sector itself;
- O. whereas the Union's sovereignty and strategic autonomy require an autonomous and competitive industrial base and massive investment in research and innovation, in order to develop leadership in key enabling technologies and innovative solutions and ensure global competitiveness; whereas the Union's industrial strategy should contain an action plan to strengthen, shorten, make more sustainable and diversify the supply chains of European industries in order to reduce over-reliance on a few markets and increase their resilience; whereas there should also be a strategy for smart reshoring in order to redeploy industries in Europe as well as to increase production and investment and relocate industrial production in sectors of strategic importance for the Union;
1. Considers that the transition towards a socially, economically and environmentally resilient society, strategic leadership and autonomy and a well-functioning single market should be at the very core of all Union strategies; believes, therefore, that it is necessary to deliver a fully functioning and forward-looking legislative and policy framework grounded in understanding the dynamics between the recovery plan, our climate and digital ambitions and an effective industrial strategy that streamlines the different approaches, targets and goals; calls on the Commission to define a comprehensive revised industrial strategy which will provide a clear policy framework and regulatory certainty, and, inter alia:
- (a) creates the conditions for long-term growth, improves the Union's innovation-based prosperity and global competitiveness and achieves climate neutrality;
 - (b) mobilises the appropriate financial resources, including measures for recovery;
 - (c) supports and manages the twin green and digital transitions, maintaining and creating high-quality jobs;
 - (d) delivers on the European Green Deal (EGD);
 - (e) secures, makes more sustainable, diversifies and digitalises strategic value chains, also by promoting and supporting rules-based international trade;
 - (f) strengthens the entrepreneurial spirit, creates a business-friendly environment, supports SMEs and encourages the creation and upscaling of companies, including start-ups;

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(g) improves the Union's strategic resilience and autonomy, including in raw materials, and enhances technological leadership,

(h) creates the conditions for equal development and encourages it across all the Union's regions, while leaving no-one behind;

2. Calls for an inclusive industrial strategy that involves all industrial ecosystems, SMEs, regions, communities and workers in its development and implementation; is of the opinion that a strong industrial strategy can help bridge potential fractures and make it possible to seize the opportunities created by the twin transitions; is convinced that the Union's industrial strategy must be able to rely on a strong social pillar and address the social consequences of structural change in a timely manner;

3. Considers it essential to invest in active labour markets and to provide education and training programmes aiming at meeting the needs of the economy; calls on the Commission to put in place a Union policy that matches the number of jobs that may be lost in the traditional industries with the demand for labour in the digital and green transformation industries; encourages the Commission and the Member States, since these new jobs are unlikely to be created in the same regions that would lose traditional industries, or to be taken up by the same workers, to facilitate the economic and social revitalisation of territories risking depopulation and impoverishment, paying particular attention to gender disparities;

4. Considers this twin transition to be a chance for fossil-dominated areas to move towards the frontline of innovation and a system of production that is compatible with the climate neutrality objectives; calls on the Commission, therefore, to ensure that this transition fosters conditions for job creation that are fair and socially just in the spirit of the no-one-left-behind principle, going hand in hand with the full implementation of the European Pillar of Social Rights, improvement of social and living standards and good working conditions; underlines in this respect the need for every action accelerating the twin transition to be accompanied by corresponding policies and concrete actions aiming at tackling the negative effects both on regions and on the most vulnerable people;

5. Stresses that, to this end, the focus needs to be put on regional and social cohesion and the anticipation and management of restructuring, tailored to specific characteristics and needs of the local labour market, with the aim of bringing about the economic revitalisation of the affected regions and also aiming at tackling unemployment and promoting the use of public investment, also in essential sectors particularly hit by the pandemic, in order to support high quality jobs throughout the Union; underlines the importance of workers' participation in the management and governance of companies;

6. Insists on the identification of future skill-sets and on increased investment in human resources, education, targeted training, upskilling and lifelong learning, so as to provide people and regions with future perspectives and income, as well as supplying industry with skilled workers; notes that a competitive industry depends heavily on recruiting and retaining a qualified workforce with crucial skills in the field of sustainability and digital transformation of businesses, and that this should be supported with adequate funding from the Digital Europe Programme and the Single Market Programme;

7. Calls on the Commission and the Member States to act to strengthen the coordination of education policies, with massive public investments in them across Europe; furthermore urges the Commission to set up an expert stakeholder group tasked with predicting future industrial skills gaps and shortages, with the help of AI and digital resources, especially big data's capabilities;

8. Believes that the new long-term strategy for Europe's industrial future should contribute to combating the gender pay gap and gender pension gap that still affect the European labour market and European society; calls on the Commission to take the gender dimension into due account in the implementation of the European industrial strategy, in both the recovery and the reconstruction and transformation phases, including the use of gender budgeting tools in the definition of the financial instruments supporting the industrial and economic growth of the Union;

9. Underlines the key role that European industry can play in actively engaging in favour of ambitious environmental, social and economic objectives, including in the area of human rights; considers that for this to materialise, the Union needs to equip itself with an overarching due diligence framework for industry so as to identify, trace, prevent, mitigate and account for environmental and social risks, impacts, abuses and harm, in its domestic and global activities and across supply chains, in order to ensure minimum standards and create a level playing field;

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10. Considers that the Union requires an industrial strategy that contributes to industrial recovery from the current economic crisis, attracts investments, facilitates access to capital and stimulates effective competition; believes, therefore, that an updated strategy should take into consideration two main and interlinked phases: one aimed at consolidating jobs, reactivating production and adapting it to a post-COVID 'new normal', and a second phase aimed at reconstruction and transformation;

11. Calls on the Commission, in this regard, to bolster relevant existing and future legislation so as to prioritise the green and digital transitions while strengthening long-term competitiveness and societal and economic resilience throughout both phases; furthermore, calls on the Commission to stimulate the Union's internal demand and long-term growth by attracting more investment, both public and private, in research and innovation, in the development of the new sustainable and digital technologies, including in labour-intensive industries, in new infrastructure networks and projects that are compatible with the European Green Deal goals, in energy and resource efficiency and in the circular economy;

12. Calls on the Commission to prepare a comprehensive report assessing the state of the Union's economy and the feasibility of carrying out the twin transition, considering the opportunities for industry, including SMEs, to reap the synergies and minimise the risks they may present to each other and to maximise the benefits; asks the Commission, on the basis of its findings, to adapt the strategy published in March 2020 to the current situation and address both phases, while keeping the focus on a green, digital, fair and just transition that reinforces the Union's sovereignty and its strategic autonomy;

13. Underlines that the Union's industrial strategy must pursue well-defined aims and, in the interests of full transparency, calls on the Commission to establish clear, explicit and concrete definitions of 'strategic', 'autonomy', 'strategic autonomy', 'resilience', 'strategic resilience', and other related concepts, so as to ensure that the actions taken with reference to these concepts are specific and aimed towards the EU's priorities and goals;

14. Considers that traditional insurance instruments are not sufficient to cover the losses from business interruption caused by a pandemic, and that an ambitious EU-wide solution is needed to anticipate and manage the negative effects of a future pandemic or systemic crisis on people, businesses and the economy; calls on the Commission to work towards the creation of a framework involving institutional investors, Member States and the EU, to cover the losses due to business interruption in case of a future pandemic;

15. Welcomes the Commission's proposal to create a new recovery instrument, namely Next Generation EU (NGEU), of EUR 750 billion; deplores the cuts to future-oriented programmes proposed by the European Council in July 2020, in both the 2021-2027 MFF and the NGEU, and calls for spending from the EU budget on climate change efforts to be increased to at least 30 % of the budget; considers that these cuts will undermine the foundations of a sustainable and resilient recovery for the Union's industry and will have negative spillover effects on reaching the Union's 2050 climate neutrality objectives, as well as for social justice and global competitiveness; calls, therefore, for an ambitious and stronger long-term EU budget for 2021-2027 that does not go below the Commission proposal; in this regard, highlights Parliament's position on the reform of the EU's own resources system, including the introduction of new resources that are better aligned with and incentivise progress on major EU policy priorities;

16. Welcomes the measures taken by the Union to deal with the COVID-19 crisis, the injection of liquidity by the ECB, the increase in the EIB's capital for SMEs, and the SURE initiative to help Member States finance short-time working arrangements, maintain employment and protect workers; welcomes, also, the extraordinary financial means under the State Aid Framework for supporting otherwise solvent businesses and workers in countering the pandemic's economic fallout; calls on the Commission, nonetheless, to ensure that the aid provided in the emergency phase is justified by the consequences of the pandemic and does not lead to a lack of effective competition in the single market, and that no strategic sector is neglected; furthermore, looks forward to a timely revision of the Union's State aid rules in order to give Member States the necessary flexibility for targeted support in driving industrial decarbonisation and digitalisation, and particularly of the guidelines on State aid for environmental protection and energy; emphasises in this regard that any revision of the State aid rules should be based on an impact assessment of the competitiveness of European industry, should take into account the possible distortions on a global level, and should be fully consistent with the EU's 2050 climate neutrality and environmental goals as agreed in the EU Climate Law;

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17. Underlines that State aid should only be granted to companies facing the immediate economic effects of COVID-19 and that the loosening of State aid rules should be time-limited; in this regard, calls on the Commission to propose a specific State aid regime targeted at supporting the sectors that have suffered the most from the COVID-19 emergency measures, such as the automotive, tourism, aviation, steel and metal industries; calls on the Commission to set common minimum requirements for companies receiving financial assistance, in order to avoid different national criteria giving rise to further discrepancies; underlines that the public aid received should safeguard jobs and be used to align the operations of the companies concerned with the Union's climate neutrality and environmental objectives;

18. Underlines, in the context of the emergency assistance, the importance of providing support to undertakings that respect applicable collective agreements and are not registered in tax havens;

19. Underlines, furthermore, that any State aid attributed under industrial or any other policy should adhere to the common 'balancing principle', in order to ensure a level playing field and avoid all forms of fiscal dumping within the EU and distortions of competition;

20. Calls on the Commission to establish a clear, consistent and accessible approach to market definition in competition cases across different industries; further emphasises the need to ensure sufficient speed, transparency and proportionality in the administrative and procedural framework of EU competition proceedings, and particularly in EU merger control;

21. Encourages the Commission to establish a reporting system on the ways in which foreign protectionism affects the Union's industry, as well as a regular assessment of the competitiveness of the different sectors of the Union's industry compared to its main global competitors, and to act rapidly if adjustments of Union rules are necessary;

22. Calls on the Commission, in the light of a profoundly changed global economic context, to review the Union's antitrust rules, seeking a balance between the need to cope with global-scale competition and the protection of the supply chain and consumers from the potential negative consequences of a more concentrated internal market;

23. Considers that the economic schemes put in place by individual Member States to help SMEs, start-ups and companies to cope with the short-term cash crunch are useful, but might in some cases increase their debt levels; in this context, calls on the Commission to support EU and national programmes incentivising capital increase and to facilitate recovery;

24. Calls on the Commission to revive and renew the spirit of the Small Business Act, through initiatives aimed especially at supporting micro and small businesses, since 'one size fits all' measures are often not suitable for microbusinesses and SMEs; believes that SMEs are best served by ad hoc support measures that avoid bureaucratic obstacles and ensure that the necessary liquidity reaches companies through effective and accessible tools and fast, agile and SME-friendly procedures; stresses that many SMEs will not have the liquidity to invest in a sustainable digital transformation;

25. Underlines that EU funding programmes have an impact on increasing the long-term growth level of beneficiary companies, but also stresses that companies, in particular SMEs, face substantial difficulties in accessing EU funding; therefore asks the Commission also to follow the path already experienced of co-financing national provisional tax credit schemes aimed at fostering investments in digital and environmental technologies;

26. Reiterates the importance of ad hoc support measures addressed to SMEs, via sound financial support in the next MFF; encourages the Commission to consider the creation of an SME voucher programme to support SMEs' efforts, including those to upgrade obsolete equipment, enhance knowledge transfer and identify the most effective uses of technologies, such as industrial AI, and upskill the workforce with the immediately necessary skills to allow remote asset control, production monitoring and employee collaboration, as well as environmentally sustainable business models, circular economy approaches, energy and resource efficiency, areas in which digital know-how is often crucial and allows SMEs to stay competitive;

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27. Regrets that there is still a significant gap between large companies and SMEs with regards to the integration of digital technologies in their business operations, as well as a gap between frontrunners and laggards in innovation; highlights the need to increase opportunities for SMEs as regards their capacity to absorb innovative technologies and to reduce digital imbalances in terms of infrastructure in smaller cities and rural and remote areas; in this regard, calls on the Commission to further support the European Digital Innovation Hubs, which thanks to knowledge of local ecosystems represent a potentially effective way to reduce the digital divide;

28. Believes that social economy enterprises should be fully involved in the outcome of the industrial strategy, since they create public value and also contribute to the development of the local communities they are grounded in; calls in this regard on the Commission to take into account the specificities of this category of enterprise in the design of the financial instruments and work programmes, in order to support their access to finance;

29. Underlines that there are specific attributes that make the economically sustainable transition to a climate-neutral and fully digital economy particularly suited to recovery measures that seek to quickly boost consumer demand and employment; highlights that evidence shows that green and digital projects create more jobs, deliver higher short-term returns per euro spent and lead to increased long-term cost savings in comparison with traditional fiscal stimuli, since they are quick to scale up as the technology is readily available (e.g. renewables), they tend to involve SMEs and foster local economies through strong employment effects, rapidly increasing the disposable income of consumers (e.g. energy efficiency), and they are less exposed to external shocks and will thus contribute to a more resilient social and economic recovery;

30. Notes that, in order to help identify investments with high positive environmental and social impacts, the EU taxonomy, where available, sets the framework for the purposes of establishing the degree to which an investment is environmentally sustainable and ensuring no significant harm is done to environmental and social objectives;

31. Considers that the Union requires an innovative industrial strategy that accelerates the digitalisation of our industries and SMEs including traditional ones, enhances the Union's industrial capacity in critical digital infrastructures and capabilities, and strengthens the digital and data single market; is of the opinion that the Union must support businesses in the automation and digitalisation of their know-how and training and in investing in digital equipment (hardware and software), paying special attention to encouraging women's participation in the digitalisation process and to the modernisation and improvement of training and skilling systems; underlines the importance of the Digital Europe programme and of accelerating the adoption of enabling and emerging technologies in industries; encourages the creation of digital innovation hubs across the EU;

32. Calls on the Commission and the Member States to invest, inter alia, in the data economy, humancentric artificial intelligence, smart production, the Internet of Things (IoT), mobility, supercomputing, software engineering and technology, the cloud, quantum technology, resilient, affordable and secure high-speed 5G and 6G networks, Distributed Ledger Technologies (DLTs), robotics, batteries and satellite internet; therefore invites the Member States and the Commission, in this respect, to ensure a timely implementation of the relevant key measures recommended in the 5G cybersecurity toolbox, and in particular to apply, where appropriate, the relevant restrictions on high-risk suppliers for key assets defined as critical and sensitive in the Union's coordinated risk assessments;

33. Underlines the key role of the digital sector in contributing to the transformation of the industrial sector, both as a source of clean technology solutions and in optimising industrial processes and minimising their environmental impact; given the high consumption of energy and resources connected with ICT, asks the Commission to assess the potential environmental impact of the massive development of digital solutions while ensuring European leadership in highly energy-efficient and circular digital technologies and data centres; calls on the Commission to propose concrete avenues for digital solutions to serve the ecological transition and to establish a methodology for monitoring and quantifying the increasing environmental impact of digital technologies;

34. Underlines that data plays a key role in the transformation of European industries, and stresses the importance of smart manufacturing growth and digitalisation; calls on the Commission to implement a single European digital and data environment and to ensure and promote interoperability, as well as access and flow for secure data and software within the Union and across sectors, in companies of all sizes and among public institutions; furthermore, calls on the Commission to ensure European leadership in setting future-oriented standards and creating future-oriented tools and infrastructures to store and process data and pool European data in key sectors, with Union-wide common and interoperable data spaces; in this respect, calls on the Commission to focus particularly on projects aimed at data management and labelling, data format standardisation and data security, to develop and process data on European soil, in particular data from public bodies, to

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build a better digital taxation system in which profits are taxed and where companies have significant interaction with users, and to further develop European standards and certification on cybersecurity, thus ensuring enhanced competitiveness, promoting disruptive technologies, in particular for critical infrastructures, including by revising the Network and Information Security (NIS) directive and by establishing a cybersecurity competence centre network; calls on the Commission, moreover, to ensure a fair platform for business relations that enables enterprises in the EU, especially SMEs, to use data generated on platforms effectively;

35. Recognises the importance of a European approach for the data economy that is transparent, trustworthy, interoperable and human-centric; calls on the Commission and the Member States to progressively reduce fragmentation in the different national strategies and address imbalances in market power, with the aim of supporting a Union-wide flow of data, interoperability, data management, protection and (re)use;

36. Underlines the need for a European legal framework on AI, robotics and related technologies that addresses ethical principles and fundamental rights in their development, deployment and use, as well as safety and liability questions; highlights that the innovation and competitiveness of Europe's industry will require a horizontal framework that reflects the values and principles of the Union, in order to provide concrete guidance and legal certainty to citizens and businesses alike, including those outside the Union;

37. Is of the opinion that any legislative action in the context of a revision of the currently applicable intellectual property rights (IPR) framework must be carefully considered as this could have a significant impact on the still fragile and developing EU data economy; considers that there should be no ownership right based on intellectual property for non-personal data used and produced by technologies such as Artificial Intelligence;

38. Calls on the Commission to include in the recovery plan concrete measures to attract industries to Europe, to increase, strengthen and promote the relocation and the diversification of European industries in terms of their strategic importance and, from a climate neutrality point of view, to shorten and diversify supply chains; in this context, highlights the importance of ensuring that the Union produces enough strategic goods, such as medical and healthcare equipment or renewable energy, to be self-sufficient in times of crisis, and encourages the use of incentives to achieve this, such as the requirement of purchasing a higher degree of local (EU/EEA) production from sectors receiving temporary aid;

39. Acknowledges the risk that the COVID-19 crisis will lead to an increase in economic nationalism and protectionism, posing a major challenge to rules-based free trade and global value chains due to the renationalisation of production and the break-up of those chains; to this end, calls on stakeholders to diversify and shorten their supply chains and make them more sustainable in order to reduce vulnerability;

40. Calls on the Commission, in this regard, to stand up for an open and rules-based multilateral trading system which is consistent with global efforts to halt climate change and biodiversity loss and with the EU's high environmental and social standards, improves access to international markets for EU companies, and prevents strong international actors from abusing their market power; is of the opinion that, in this context, the Union should use competition policy with regard to third-country companies as appropriate, apply trade defence instrument (TDI) measures more assertively so as to systematically tackle unfair dumping and subsidy practices, and strengthen the existing TDI scheme;

41. Calls on the Commission to immediately propose a temporary ban on foreign takeovers of European companies in strategic sectors by state-owned enterprises (SOEs) or companies linked to third-country governments; furthermore calls on the Commission to reflect on reciprocity in market access, to strengthen and scan systematically the Union's screening framework for foreign direct investment (FDI) in order to protect access to strategic industries, infrastructure, key enabling technologies, and other security and cybersecurity assets, as well as to block hostile takeovers in order to safeguard competitiveness and decrease market distortions in the single market; welcomes, in this regard, the White Paper on levelling the playing field as regards foreign subsidies; calls for the substantial strengthening and the swift adoption of Regulation (EU) No 654/2014 (the Enforcement Regulation); stresses that this is an important tool to protect the Union's interests when third countries adopt illegal measures that negatively hit EU businesses;

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42. Calls on the Council to continue advancing in the negotiations on the International Procurement Instruments (IPI), which provide for reciprocity and mutual standards; calls on the Commission to propose appropriate legal instruments that address the distortions caused in the single market, including in public procurement procedures; in this context, calls on the Commission to consider giving priority to companies having and maintaining their headquarters, production and employment within the Union; asks the Commission, in the absence of a strong IPI and effective global rules on access to public procurement, to explore the introduction of measures to support European manufacturers, especially SMEs, who are facing an increasing degree of competition from emerging countries which do not comply with common international trade rules and social environmental standards;

43. Is of the opinion that a comprehensive approach to industrial strategy that includes all EU policies can play an important role in economic and 'industrial' diplomacy; encourages the Commission to actively use the network of EU Chambers of Commerce in third countries to create new business partnerships;

44. Welcomes the ambition to create lead markets in environmentally sustainable and digital technologies and innovative solutions; considers funding of research and innovation to be essential for innovative industrial projects and digital capabilities, and believes that this should go hand in hand with the current analysis by the Commission of the guidelines for 'Important Projects of Common European Interest' (IPCEI); is of the opinion that resilience and strategic autonomy should be considered as defining criteria and that IPCEI should comply with the Union's climate neutrality and digital goals; calls on the Commission to increase transparency in the implementation of IPCEIs and to ensure the participation of SMEs; furthermore calls on the Commission to speed up European leaders and/or ecosystems in strategic industrial sectors which are capable of competing on a global scale and will contribute to achieving a climate-neutral economy and digital leadership without creating distortions of competition in the Union or eroding trust in market openness and access;

45. Calls on the Commission to continue the work on value chains by ensuring an adequate follow-up to the actions proposed for the six strategic value chains identified by the Strategic Forum on IPCEI, and to create transparent conditions of application for joint projects of IPCEI that would be uniform in all Member States, in order to ensure that they benefit the Union as a whole; calls on the Commission, in the current crisis, to invest in projects that have clear European added value and to simplify administrative processes, extend the criteria for cost eligibility and increase funding;

46. Considers the NGEU initiative to be the pillar of the first phase of the EU's industrial recovery from COVID-19; calls on the Commission to ensure that the fund is swiftly implemented swiftly, and demands that Parliament be fully involved in the decision-making and implementation process, to ensure democratic accountability and maximise transparency and parliamentary control; demands that, for an effective frontloading of the EUR 750 billion, the NGEU:

- (a) foresees targets for social, sustainable and digital investments, with a view to minimising detrimental impacts and maximising benefits in the climate, environment and social dimension;
- (b) has a specific focus on SMEs, which have been hit the hardest by the COVID-19 crisis, and supports their access to finance;
- (c) is directly managed, where possible, by the Commission in close cooperation with Member States and through European programmes, in order to move forward in a more coordinated way, so as to better impact the global market and maximise transparency and parliamentary control, as well as to avoid internal and external distortion and disruption of the single market;
- (d) takes into account the specificities of the Member States, which have been hit by the crisis in diverse ways;
- (e) distributes the financial aid among the different industrial ecosystems, including microbusinesses and SMEs, according to the damage suffered, the social impact, the challenges faced and the amount of national financial support already received through national aid schemes, taking into account the structural interdependencies between the different value chains; takes into account the lessons learnt from the previous public support measures in responding to the 2008-2009 economic and financial crisis and its impact on resilience and long-term economic and social recovery; takes into account that the fund must be conditional on criteria that ensure that funding is not used to pay off old debts or sustain outdated technology and that companies which contribute to long-term growth are supported and have

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strong potential to revive the economy; takes into account that recovery spending should also be channelled towards high-multiplier, climate- and innovation-friendly sectors that will contribute to the EU's future economic resilience;

- (f) supports national fiscal schemes that incentivise private sector equity investment and allow companies to convert part of the loans given by the Fund into equity;
- (g) allocates dedicated funding to companies, in particular SMEs, microbusinesses and start-ups, which have business plans and operations involving key innovations, technologies and services, including advancing the digital and green transformation, or whose operations are necessary for the strategic autonomy of the Union in critical sectors, with particular reference to enhanced circularity, resource and energy efficiency and savings and a switch to renewables; helps make our supply chains more resilient and less dependent by reshoring, diversifying and strengthening them, while avoiding discrimination against companies going through an emergency that are in need of being accompanied in their transition;
- (h) dedicates funding to large companies having credible plans to transition to a climate-neutral business model;
- (i) strengthens the EIB guarantees programme and makes it complementary to national programmes, so that it can function as a valuable addition and strengthen their impact on the ground;
- (j) gives preference to companies that commit to transparency, ensure visibility of EU funding, put in place systems encouraging the participation of workers in company matters, and comply with their non-financial reporting obligations;

47. Highlights the need to support a sustainable and fair recovery, ensuring citizens' welfare beyond the COVID-19 crisis; is of the opinion that the Fund should foster the sustainability and competitiveness of European industries, as well as guaranteeing fair and just digital and green industrial transitions;

48. Considers that in parallel with the current crisis, the Union should prepare and anticipate a second phase of its industrial strategy, ensuring the competitiveness, environmental sustainability and digitalisation of its industries and leading to long-term resilience on a socially responsible basis; recalls that the role of the Member States will be crucial for a successful recovery leveraging the EU's limited resources, and that industrial policy should become a horizontal task for the Commission;

49. Is of the opinion that the Union requires an industrial strategy that embraces the protection of environmental health and biodiversity and insists on the need to accelerate the climate-neutral transformation of our industry; emphasises that investments must be compatible with the 2050 climate neutrality goals, since otherwise there is a risk of creating stranded assets and lock-in effects in fossil-based and environmentally harmful technologies;

50. Underlines that a truly effective European Industrial Strategy and the related policy need to be built on ambitious climate action and targets on the basis of the Climate Law, providing a roadmap to shape the industry of the future with all sectors contributing to reach the objective of climate neutrality as early as possible and at the latest by 2050;

51. Stresses the need to align the new Industrial Strategy with the target of a climate-neutral economy by 2050, while at the same time stressing that Europe's climate policies must be evidence-based;

52. Underlines that there is significant potential in domestic and global markets for zero and low emission technologies, renewables, and sustainable products, processes and services, throughout the entire value chain from raw materials to energy-intensive industries, manufacturing and the industrial services sector; considers, moreover, that the Climate Law will greatly contribute to streamlining the efforts towards the achievement of climate neutrality by 2050 at the latest, laying down the 2030 and 2050 climate targets in Union legislation; believes that a more holistic and systematic policy

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framework is also required in order to ensure policy coherence across all Union policies as well as long-term investor certainty and regulatory predictability and a coherent, transparent and inclusive governance approach in all policy areas, paving the way towards a clear and predictable strategy for European industries;

53. Welcomes the proposed Industrial Forum; calls on the Commission to move forward with its establishment and to create within this framework a dialogue with a balanced representation of all relevant scientific experts, organisations and stakeholders, including civil society, consumers' organisations and trade unions, to continuously monitor and regularly report on the progress of the individual industrial sectors at EU level towards the climate neutrality objectives to be achieved by 2050 at the latest, and to advise the Commission on the contribution and consistency of investments with the EU environmental and climate objectives, in line with the Governance of the Energy Union regulation;

54. Considers that all sectors should contribute to the achievement of the Union's climate objectives and, in this regard, underlines the importance for the Commission to develop sector-specific strategies setting out the actions needed to reach these objectives and ensuring policy coherence; urges the swift phasing-out of fossil fuels and the need to establish an highly efficient and climate-neutral energy system at globally competitive prices for industries; highlights the role that clean, sustainable and affordable energy and raw materials play in the transition towards highly energy-efficient and climate-neutral economies; stresses the need to ensure that the use of energy sources such as natural gas is only of a transitional nature, considering the objective of achieving climate neutrality by 2050 at the latest; underlines that further integration of the EU energy market will play an important part in enhancing the affordability and security of energy supply; underlines in this regard the need to accelerate the development and integration of renewable capacities in the energy mix and to facilitate the deployment of hydrogen production based on renewables, as a potential breakthrough technology for hard-to-abate sectors; welcomes the launch of a Clean Hydrogen Alliance and a low-carbon industries alliance; stresses the need to accelerate research on large-scale hydrogen and green fuel production, decarbonisation technologies such as infrastructure for carbon capture and storage in industrial processes, bioenergy plants and manufacturing facilities, with a view to the energy transition, also exploring the potential use of geothermal source of energy; reiterates that this requires large-scale availability of affordable and clean energy and supporting infrastructures, in line with the decarbonisation needs of energy-intensive industries;

55. Calls on the EU institutions, the Member States, the regions, industry and all other relevant players to work together to improve European energy efficiency, to create lead markets in climate-relevant technologies and innovations in the Union, and to prioritise investments in energy infrastructures; calls on the Commission to ensure that better use is made of the EIB, as the Union's 'Climate Bank', to enhance sustainable financing to the public and private sectors and to assist companies in the decarbonisation process;

56. Stresses that the large-scale deployment of cost-competitive renewable energy capacities is required in all sectors of the economy; recognises the Union holds 40 % of renewable energy patents globally, and stresses that it should remain a leader in breakthrough renewable technologies; stresses in this respect that the need to develop a robust industrial policy for renewables that encompasses both supply-side and demand-side policies and enables renewable sector integration is critical to ensure Europe's long-term security of energy supply, technology leadership and strategic autonomy; urges the Commission to acknowledge renewable energy technologies as a key Strategic Value Chain and an industrial ecosystem that is eligible for financing from the Strategic Investment Facility, as well as being adequately represented in the upcoming Industrial Forum; stresses the need to prepare support measures for the development of renewable energy technologies in Europe and to ensure a level playing field for Union and extra-Union manufacturers;

57. Highlights that if European industry is to be competitive it has to be backed by an efficient, sustainable and fully interconnected transport, digital and energy infrastructure network; calls for a long-term investment policy for equipping and renovating infrastructure and for reducing the administrative barriers which hinder the rapid development of the trans-European networks; calls for more funding for the Connecting Europe Facility in its three sectors, in order to boost investment in infrastructures, interconnections, digitalisation and smart grids, compatible with the European Green Deal goals; furthermore stresses the need to expedite Projects of Common Interest (PCI), and to revise the Trans-European Energy Networks (TEN-E) Regulation as soon as possible;

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58. Highlights the potential of the circular and zero-pollution economy in modernising the Union's economy, reducing its energy and resource consumption, prioritising waste prevention, providing incentives for innovation, and transforming whole industrial sectors and their value chains, products, production processes and business models, thereby fostering the dematerialisation and detoxification of the Union's economy and making Europe less dependent on primary materials while incentivising innovation, including the creation of markets for zero, low-carbon and renewable solutions substituting fossil-fuel based products and materials, and the development of new eco-designed technologies and solutions to prevent environmental impacts; highlights the strong synergies between climate action and the circular economy, in particular in energy- and resource-intensive and renovation industries, and stresses that sectors have different decarbonisation paths and starting points; underlines the potential of the circular bioeconomy and forest-based industry in promoting a competitive and sustainable industry;

59. Recalls that the European climate and energy policy will require high volumes of metals and minerals for its strategic technologies; expresses concern that Europe is highly reliant on other areas of world for its supply of many of these metals and minerals, and is gradually losing its global share even for the materials where it does have industrial capacity; stresses that Europe's autonomy in strategic sectors cannot be achieved without a competitive and sustainable EU ecosystem for base, precious and critical materials from primary and secondary sources; underlines in this respect the significance of the Circular Economy Action Plan, but stresses that Europe needs to boost its capacity for all stages of the raw materials value chain, namely mining, recycling, and smelting, refining and transformation; is of the opinion that the scope of the Critical Raw Materials Action Plan and Alliance should not be limited to critical raw materials and should be aimed at the development of an integrated ecosystem for the whole range of materials, metals, and minerals required for industrial transition;

60. Calls on the Commission to develop a European export and import strategy for renewable and resource- and energy-efficient technologies;

61. Underlines the potential of sector coupling and interconnecting energy-consuming sectors such as buildings and transport, and welcomes in this respect the Commission communication on energy system integration;

62. Calls for a substantial funding stream for energy renovations of buildings to foster the planned 'renovation wave' initiative through the necessary financial means under the Recovery Plan; stresses that in the context of the upcoming proposal on the 'renovation wave' and Member States' obligation to set out long-term strategies to achieve a highly energy-efficient and decarbonised building stock, the 'energy efficiency first' principle should be fully prioritised and should thereby accelerate deep renovations and the replacement of inefficient heating and cooling systems based on fossil fuels; underlines that integrated deep renovation programmes covering entire municipalities or districts can be deployed at a lower cost and at higher speed, benefiting consumers and reducing energy costs;

63. Points out the fact that process heating and cooling remain among the most significant uses of energy in the industrial sector; therefore underlines that to accelerate the reduction effort regarding greenhouse gas (GHG) emissions in industry, the energy efficiency potential of industrial heating and cooling needs to be fully tapped, with increased use of renewables based on electrification, heat-pumps, better use of industrial clusters, and symbioses offering significant reduction potential in many sectors;

64. Highlights the potential of Green Mobility to create new jobs, boost European industry, and support investments aimed at expanding sustainable transport infrastructure which would make it possible to achieve a multiplier effect through placing orders addressed to a wide spectrum of entities — contractors, subcontractors, suppliers and their subcontractors — and reduce emissions from the transport sector; underlines the need to accelerate the implementation of the European Battery Alliance, in order to unlock the potential of its strategic value chain, increase the possibilities for innovative locally produced batteries and the recycling of metal in Europe, create Union added value, contributing to the competitiveness of the Union's automotive industry, and facilitate the transition to a decarbonised electrical system; calls for more investment in high-speed trains and the renovation of inter-city rail networks, as well as in zero and low- emission public transport; stresses the need to promote Green Mobility by investing in better infrastructure such as more widespread charging stations; is of the opinion that a higher density of charging stations will allow the market for electric vehicles (EVs) to expand

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significantly and faster, having a positive impact on our environmental and carbon footprint; calls, therefore, on the Commission to submit a large-scale strategy for the rollout of fast EV-charging infrastructure in order to secure uptake of EVs by consumers, giving them certainty as regards the technology's potential and access to a close-knit network of compatible charging infrastructures, and to support European-based car manufacturing;

65. Believes that for a successful energy transition, Europe will need a significant amount of affordable zero/low carbon and renewable energy, also originating from third countries and using support infrastructures; calls for strategic initiatives inside the EU and for energy policy to become a focus of the Union's foreign and neighbourhood policy, including financial support for renewable-based hydrogen and green power alliances; is of the opinion that those alliances should also be part of trade agreements; stresses the importance of strong alliances to address the scarcity and sustainable sourcing of resources and raw materials;

66. Recalls the 2019 EU Masterplan for a competitive transformation of energy-intensive industries which manages the transition while keeping European industries competitive, and calls on the Commission to implement its recommendation to help replace imports from third countries not sufficiently meeting environmental standards and incentivise higher levels of climate ambition from the EU's global trading partners;

67. Calls for a revision of the EU emissions trading scheme (ETS) in line with the climate targets and a Carbon Border Adjustment Mechanism (CBAM) to contribute to a smart reshoring of manufacturing and shorter value chains; highlights the potentially important role of a CBAM in avoiding carbon leakage;

68. Points out that over half of global GDP depends on nature and the services it provides, with several sectors highly reliant on nature; notes that more than 90 % of biodiversity loss and water stress come from resource extraction and processing; emphasises that the European industrial policy should be in line with the objectives of the 2030 Biodiversity strategy;

69. Stresses that on the basis of the One Health approach the preservation of natural ecosystems is fundamental for ensuring humanity's bare necessities such as potable water, clean air and fertile soils; calls for the swift development of robust indicators to assess the impacts on biodiversity and to ensure the progressive reduction of pollution as outlined in the EU Biodiversity Strategy;

70. Points out that industry is still a major contributor to environmental pollution with releases of pollutants to air, water and soil; underlines the role of the Industrial Emissions Directive in setting up obligations for large installations to minimise releases of pollutants; looks forward to the upcoming zero pollution action plan for air, water and soil and the revision of the Industrial Emissions Directive, which should lead to a significant reduction of industrial pollution;

71. Stresses the importance of the regional dimension of industrial policy, since economic disparities between regions are persistent and risk becoming deeper with the impact of the coronavirus crisis; stresses that in order to prevent and mitigate the decline of regions, regional redevelopment plans have to make progress on sustainable transformation strategies and combine economic revitalisation programmes with active labour market programmes; calls on the Commission to work closely with the Member States in order to draw up medium- and long-term forecasts regarding the skills required by the employment market;

72. Highlights, in this context, the importance of the European Structural and Investment Funds (ESIFs) in supporting quality job creation with decent wages, business competitiveness, sustainable economic development, and the modernisation and improvement of education and training and healthcare systems;

73. Highlights the need to support a fair, inclusive and just transition and the need to address social and economic inequalities beyond reskilling and creating new jobs in new economic sectors, so as to ensure that no one is left behind and that no worker is excluded from the job market; believes that a well-designed Just Transition Mechanism (JTM), including a Just Transition Fund, will be an important tool for facilitating the twin transition and reaching ambitious climate neutrality targets; insists that to guarantee a more inclusive transition and address its social impact, all local stakeholders, including civil society and community representatives, should be included in the design and implementation phase of the

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territorial Just Transition Plans; underlines that sustainable technology investments have a key role to play in this regard by supporting the long-term economic development of regional economies; stresses that robust financing of the JTM, including through significant additional budgetary resources, would be a key element for the successful implementation of the European Green Deal;

74. Believes that interregional cooperation aimed at sustainable and digital transformation, as in the Smart Specialisation strategies, needs to be strengthened in order to stimulate regional ecosystems; therefore asks the Commission to support the development of tools which can provide a clear roadmap for regions with a tailor-made approach to secure industrial leadership;

75. Considers that industrial transformation requires a significant boost in research and development efforts and the integration of new knowledge and innovation into existing markets, as well as their use in the creation of new ones; underlines that innovation is one of the engines of leading industrial ecosystems and that this should be reflected in strengthened support for innovation and entrepreneurship capacity at every stage of the innovation cycle; underlines the need to increase spending on research, in particular high-quality public research and development and innovation as key elements to achieve the twin transitions, improve the Union's strategic autonomy and increase long-term competitiveness; in this regard, calls on the Member States to uphold their commitment to invest 3 % of their GDP in research and development, in order to maintain the Union's leading role among global competitors; regrets the current lack of innovative capacity in SMEs due to a shortfall in the necessary risk capital, the costs and complexities of administrative procedures, and a shortage of adequate skills and lack of access to information;

76. Underlines the need to increase the budget for programmes underpinning the Union's industrial transformation, and recalls, therefore, Parliament's position in favour of increasing the budget for Horizon Europe to EUR 120 billion and ensuring the programme's consistency with the Union's climate neutrality targets, and supporting InvestEU and Digital Europe through appropriate funding instruments for the market development of breakthrough technologies and innovations, also fostering synergies between regional, national, European and private financial sources; calls for effective support for the European Innovation Council (EIC) and the European Institute for Innovation and Technology (EIT) and for the strengthening of their missions; insists that a substantial share of the funds available for SMEs under Horizon Europe should be implemented through the EIC and the collaborative parts of the programme, with the aim of creating new solutions and fostering innovation, both incremental and disruptive; supports the establishment of European partnerships under Horizon Europe to leverage private-sector investment to promote the transfer of knowledge, technologies and innovation from research centres and universities to the industrial process, taking advantage of the industrial ecosystems scheme and in order to support the recovery and green and digital transition; calls on the Commission, in addition, to ensure that these partnerships will be transparent and inclusive throughout their implementation, in particular as regards their strategic research agenda and annual work programmes; stresses that they should also exclude all conflicts of interest and should guarantee true added value for society;

77. Believes further, in this regard, that a better-prepared and more resilient society is key in dealing with disruptive events on a European or global scale and giving comprehensive policy responses, and that coordinated R&D investments are key in this respect; to this end, calls on the Commission to support creating a dedicated instrument for Pandemic Preparedness and Societal Resilience, since this measure would create the conditions for better coordination at EU level, identify priority areas, and launch actions that require high-quality medical research and coordinated R&I investments;

78. Highlights the importance of a research-based pharmaceutical industry as an essential contributor to safeguarding quality manufacturing and supply of affordable medicines to reach all patients in need, strengthening the Union's innovation, resilience, accessibility and responsiveness and helping address future challenges; reiterates the need to put in place a medicine shortage risk mitigation plan to manage any vulnerabilities and risks for the supply chain for critical medicines, ensure future innovation to address outstanding unmet needs, and support the resilience, responsiveness and readiness of healthcare systems to address future challenges including pandemics;

79. Underlines the role of key enabling technologies in building technological and innovative capacities throughout the Union; calls on the Commission to tailor Horizon Europe and its industrial strategy to the development, scaling-up and commercialisation of breakthrough technologies and innovations in the Union so as to bridge the gap between innovation and market deployment, by providing risk financing for early-stage technology and demonstration projects and developing

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early value chains in order to support in the first place commercial-scale, market-uptake, zero and low-emissions, renewable, energy- and resource-efficient and circular technologies and products, processes, services and business models, as well as supporting the development of research infrastructure, also with the aim of reducing the existing gaps between Member States; encourages the Commission and the Member States to develop one-stop shops with streamlined information on financing possibilities for industrial demonstration projects for breakthrough technologies;

80. Calls on the Commission to examine measures to counter the potential loss of knowledge and innovation during the current crisis, including through instruments to support companies temporarily sharing knowledge workers with public research institutions and universities so as to enable public-private research on public priorities, and to preserve employment and innovation capacity in times of crisis;

81. Calls on the Commission to develop, together with Member States, potential tax incentives to boost R&D investments, which have decreased heavily due to the COVID-19 crisis;

82. Calls on the Commission to continue supporting the ability of European companies to innovate on the basis of a comprehensive intellectual property (IP) regime, enhancing flexibility in licensing, so as to maintain effective protection for their R&D investments, to secure fair returns and, at the same time, to continue developing open technology standards that support competition and choice as well as the participation of EU industry in the development of key technologies;

83. Acknowledges that a strong and balanced framework of IP rights is a crucial factor underpinning European competitiveness, with a view to combating industrial espionage and counterfeiting, and therefore calls on the Commission to preserve and strengthen this framework; stresses the need to ensure parity with the US and China in life-science IP incentives in order for Europe to remain an attractive location for R&D investment and industrial development; calls on the Commission to maintain and develop Europe's world-class IP system by promoting strong IP protection, incentives and reward mechanisms for R&D to attract investment in the development of future innovation for the benefit of society; welcomes the announcement of an Intellectual Property Action Plan that could facilitate a European contribution to standards development; supports sustainable production and jobs and improving the attractiveness and reputation of EU high-quality production worldwide; invites the Commission to encourage the transfer of crucial environmental and climate technologies to developing countries by granting open licenses for such technologies;

84. Calls on the Commission to implement as soon as possible the European Unitary Patent, as provided for by the agreement on a unified patent jurisdiction of 19 February 2013;

85. Underlines the importance of a comprehensive and effective overall governance for the industrial transformation that ensures consistency with the relevant EU legislation and strategies, in particular the objectives of the European Green Deal, which is crucial to its success; welcomes the identification of 14 ecosystems by the Commission and the inclusive approach of bringing together all actors operating in a value chain, in order to promote European leadership in strategic sectors and competitiveness on the global stage; underlines the need to ensure that SMEs will thrive within each ecosystem; points out the need for ensuring transparency in the industrial ecosystems identified, in particular as regards the criteria that need to be met for being considered part of an ecosystem, the exact breakdown per type of actor in each identified ecosystem, and information on outcomes and topics discussed, recalling also the role of the Industrial Forum and the Alliances in relation to these ecosystems; stresses that civil society, consumer organisations and trade unions should have adequate participation in the definition of both the overarching and the sectoral industrial strategies and priorities; stresses that ecosystems should include all links to the value chains, including SMEs, and emphasises that SMEs play an integral part in the creation of industry alliances and their production chains; highlights the need for adequate financial instruments for the alliances;

86. Is of the opinion that ecosystems will be key components of the next industrial revolution, leveraging advanced and smart manufacturing and providing affordable, clean, sustainable and secure energy, as well as the necessary energy infrastructure, transformative manufacturing and service provision methods; calls for an analysis of the ecosystems to assess the needs of each sector for its transition and to help establish a transition plan; believes, moreover, that supporting collaboration among industry, academia, SMEs, start-ups and scale-ups, trade unions, civil society, end-user organisations

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and all other stakeholders will be key to solving market failures and bridging the gap between the idea and its realisation while ensuring the protection of workers, including in areas not yet covered by industrial interests but with high societal added value; calls for a governance of these ecosystems that integrates all relevant stakeholders from the industrial sectors which are key to achieving the green and digital transition; is of the opinion that ecosystems should play a role in the definition of solutions and measures to be adopted in order to implement the European industrial strategy and to support robust European value chains that are crucial for the twin green and digital transitions;

87. Highlights that investment in key value chains will play a crucial role towards preserving our future strategic autonomy; believes that it is necessary to prioritise investment in industrial sectors that are of vital importance to our strategic autonomy, such as security, defence, climate-relevant technologies, food sovereignty and health; reiterates, in particular, the importance of the pharmaceutical industry in ensuring future innovation to address outstanding unmet needs, and in supporting the resilience, responsiveness and readiness of healthcare systems to address future challenges including pandemics;

88. Underlines the importance of the renewable energy industry as a strategic sector in order to strengthen the competitive advantage of the EU, achieve long-term resilience and ensure energy security, while enhancing industrial strength; furthermore, highlights the contribution of the renewables sector to the creation of new local jobs and business opportunities, in particular for SMEs, and to boosting the manufacturing of equipment, as well as to reducing energy costs and improving cost competitiveness;

89. Highlights that the automotive sector has been greatly affected by the COVID-19 crisis, forcing companies and workers to adapt quickly to the changes in supply and to new health and safety requirements, in addition to the transformation process that the sector was already undergoing before the pandemic; is of the opinion that the transition to smart and cleaner mobility is essential as we evolve towards a climate-neutral, digital and more resilient economy, and that this should also be considered as an opportunity to generate green growth and clean jobs based on the global competitive advantage of European industry in vehicle technologies; calls on the Commission to set priorities related to research and innovation, digitalisation and support for start-ups and micro, small and medium-sized enterprises, including in the automotive sector;

90. Stresses that the tourism sector has also been highly affected by the COVID-19 crisis, and calls on the Commission to set priorities related to helping and promoting the recovery of the sector, considering its contribution to EU GDP and the Union's competitiveness; invites the Commission to promote cooperation between Member States and regions to create possibilities for new investments and further innovations, in order to achieve a European tourism ecosystem that is sustainable, innovative and resilient and protects the rights of workers and consumers;

91. Highlights the potential of the cultural and creative sectors in driving innovation, acting as catalysts for change in other sectors and stimulating invention and progress; notes that innovative economic sectors increasingly depend on creativity to maintain their competitive advantage; notes, moreover, that with the emergence of progressively more complex, creative and intertwined business models, the cultural and creative sectors are increasingly becoming a decisive component of almost every product and service; therefore believes that Europe should build on its creative and cultural assets, and calls on the Commission and the Member States to pay sufficient attention to the cultural and creative sectors in the development of a comprehensive, coherent and long-term industrial policy framework, including access to finance and funding programmes;

92. Highlights the importance of Union space policy, especially in terms of improving European industrial space capacities and unlocking the potential of synergies with other key sectors and policies, in particular so as to develop cutting-edge technologies and accompany the industrial transformation;

93. Notes the contribution of the chemicals industry to many strategic value chains and to producing carbon-neutral, resource-efficient and circular technologies and solutions; calls for a sustainable chemicals policy, aligned with the Industrial Strategy;

94. Calls on the European Environment Agency to produce a report, together with the European Chemicals Agency, on chemicals in the environment in Europe; believes this report should assess the systemic character of hazardous chemicals within Europe's production and consumption systems, their use in products and occurrence in Europe's environment, and the harm caused to human health and ecosystems;

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95. Underlines the centrality of a well-functioning and competitive pharmaceutical and medical devices sector to ensuring sustainable access to medicines for patients and guaranteeing a high level of healthcare for EU patients; believes the Commission should facilitate the dialogue with the Member States and all the relevant stakeholders by creating a pharmaceutical forum, supervised by the European Medical Agency (EMA), in order to enable a comprehensive discussion on issues concerning, inter alia, pharmaceutical sustainability and the introduction of new technologies into health systems; stresses that this forum should take into account the different national approaches to pricing and reimbursement, as well as healthcare investment and organisation;

96. Considers public procurement to be a crucial driver of industrial transformation; calls on the Commission to study how to fully use the leverage of public expenditure and investments to achieve policy objectives, including by strengthening sustainability and making public procurement central to the Union's economic recovery plan by prioritising and fostering demand for eco-innovative, cost-effective and sustainable goods and services, as well as by enabling relocation in key strategic sectors, such as health-related products, agriculture and renewable technologies, fostering shorter and more sustainable supply chains; calls on the Commission and the public authorities to analyse the conditions for making mandatory in public procurement sustainability based on environmental, social and ethical criteria, including carbon footprint, recycling content and working conditions throughout the whole life-cycle, as well as to increase awareness and make better use of the existing schemes for promoting green services; insists that SMEs should have a fair chance to participate in public procurement; calls on contracting authorities to systematically use an approach based on the best price-quality ratio over the lifetime of products and services; encourages them to use the provision (Article 85 of the Utilities Directive) which enables them to reject bids where the proportion of the products originating in third countries exceeds 50 % of the total value of the products constituting the tender;

97. Acknowledges the contribution of standardisation to the single European market and to increased economic, societal and environmental welfare, including the health and safety of consumers and workers; underlines the need to develop, assess and use harmonised standards to support industries manufacturing products in ways that are efficient, safe, circular, sustainable and repeatable and ensure high quality;

98. Calls on the Commission to adopt a strong Key Performance Indicator (KPI) system to analyse the ex-ante impact of Union regulations and instruments and possible investments needed, and to monitor progress and results taking into account the SME dimension; underlines that the KPI system should be based on objectives that are specific, measurable, achievable, relevant and time-oriented;

99. Calls on the Commission to strengthen its impact assessment practise and ensure that, before presenting new proposals for legislation or adopting new measures, it carries out a detailed impact assessment of the potential compliance costs, the impact on employment, and the burdens and potential benefits for European citizens, sectors, and companies, including SMEs; believes that the evaluation of Union legislation and measures should have a stronger focus on implementation in the Member States and should analyse what happens when Union legislation is implemented and interpreted in a way that creates unnecessary and unexpected regulatory hurdles for SMEs and larger companies alike; invites the Commission to support regulatory coherence and to acknowledge a smart regulation drive designed to reduce bureaucratic burdens without undermining the effectiveness of legislation or lowering social and environmental standards, especially when traditional industry has to adapt because of regulatory decisions; believes that measures for digitalisation and decarbonisation should be designed in such a way as to present opportunities for companies, including SMEs, and minimise the burden on the affected sector;

100. Expects the industrial strategy not to create unnecessary regulatory burdens for companies, especially SMEs, and to apply the one-in-one-out rule aiming at identifying, whenever new provisions introduce compliance costs, existing provisions that need to be repealed or revised, thereby ensuring that compliance costs in a given sector do not increase, without prejudice to the co-legislator prerogatives; considers that such a proposal must be evidence-based, be widely consulted on, ensure the effectiveness of legislation and of social and environmental standards, and show the clear benefits of European action; believes that the EU needs to reinforce its principles of 'big on big things, small on small things', in order to better ensure proportionality;

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101. Stresses that the public administration should play a key role in ensuring a business-friendly economic environment and reducing the administrative burden on enterprises while ensuring full application of the Union's ethical, social, environmental and transparency standards and rules on workers' safety; believes that e-government tools, digital innovation policies and the enhancement of digital skills should be promoted within the public sector and among its employees; calls on the Commission to ensure the exchange of national and regional best practices in the field, with specific reference to the public management of economic competitiveness;

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

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P9_TA(2020)0322

Foreign policy consequences of the COVID-19 outbreak**European Parliament resolution of 25 November 2020 on the foreign policy consequences of the COVID-19 outbreak (2020/2111(INI))**

(2021/C 425/07)

The European Parliament,

- having regard to the Treaty on European Union (TEU),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 8 April 2020 on the Global EU response to COVID-19 (JOIN(2020)0011),
- having regard to the Commission proposal for a decision of the European Parliament and of the Council of 22 April 2020 on providing Macro-Financial Assistance to enlargement and neighbourhood partners in the context of the COVID-19 pandemic crisis (COM(2020)0163),
- 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, Commission contribution ahead of the EU-Western Balkans leaders’ meeting on 6 May 2020’ (COM(2020)0315),
- having regard to the Declaration by the High Representative Josep Borrell, on behalf of the European Union, on human rights in the times of the coronavirus pandemic of 5 May 2020,
- having regard to the UN Security Council resolution 2532 (2020) on cessation of hostilities in the context of the coronavirus disease (COVID-19) pandemic and supporting the UN Secretary-General (UNSG) António Guterres,
- having regard to the call by the UN High Commissioner for Human Rights Michelle Bachelet to re-evaluate the impact of broad economic sanctions regimes in the context of the COVID-19 pandemic,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 June 2020 entitled ‘Tackling COVID-19 disinformation — Getting the facts right’ (JOIN(2020)0008),
- having regard to the European External Action Service (EEAS) Special Report Update: short assessment of narratives and disinformation around the COVID-19 pandemic of 1 April 2020 and 20 May 2020,
- having regard to the State of the Union address delivered by the President of the Commission Ursula von der Leyen on 16 September 2020,
- having regard to the Commission guidelines of 25 March 2020 on protecting critical European assets and technology in the current crisis,
- having regard to the Commission consultation note of 16 June 2020 entitled ‘A renewed trade policy for a stronger Europe’,
- having regard to Council conclusions on ‘Team Europe’ Global Response to COVID-19 of 8 June 2020,
- having regard to European Council conclusions on the recovery plan and multiannual financial framework for 2021-2027 of 17-21 July 2020,
- having regard to the Global Strategy for the European Union’s Foreign and Security Policy of 28 June 2016,

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- having regard to the Council conclusions of 13 July 2020 on the EU priorities at the UN and the 75th UN General Assembly, under the theme ‘Championing multilateralism and a strong and effective UN that delivers for all’,
 - having regard to the Declaration of 30 March 2020 by the Co-Presidents of the Euro-Latin American Parliamentary Assembly (EuroLat) on the COVID-19 pandemic,
 - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽¹⁾,
 - having regard to the 2030 Agenda for Sustainable Development as adopted by the UN General Assembly on 25 September 2015, and to the Sustainable Development Goals (SDGs),
 - having regard to its resolution of 11 December 2018 with recommendations to the Commission on Humanitarian Visas ⁽²⁾,
 - having regard to the EU guidelines of 8 December 2008 on violence against women and girls and combating all forms of discrimination against them,
 - having regard to the Venice Commission Code of Good Practice in Electoral Matters,
 - having regard to the annual reports from the Council to the European Parliament on the common foreign and security policy,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A9-0204/2020),
- A. whereas COVID-19 has caused a global pandemic which is affecting millions of human lives, giving rise to an unprecedented global health, economic, social and humanitarian crisis, triggering systemic tensions of global governance with far-reaching and long-term consequences for international relations, which affect key aspects of EU foreign policy and security and defence, both within and outside the European Union; whereas the EU has been the target of disinformation, cyber-attacks and other malign third-party interference aimed at destabilising the EU institutions and the Member States;
- B. whereas the pandemic disproportionately affects the most vulnerable countries, and whereas some countries worldwide have not reacted and have not taken swift and adequate security measures to curb the epidemic; whereas the Chinese Government downplayed the initial COVID-19 outbreak; whereas narratives stressing geography rather than medical terminology to refer to COVID-19 are stigmatising; whereas the virus has killed around a million people globally and demonstrated that only through coordination and solidarity between countries can it be controlled and mitigated;
- C. whereas the EU has a responsibility to act as a global player and adjust its priorities and policy, including foreign policy, in line with the changing geopolitical situation in the world and the global fight against COVID-19; whereas the EU has to lead in a predictable manner and by respecting its commitment to fundamental freedoms and the rule of law as part of multilateral and international efforts, and in accordance with its position in the global economy; whereas the COVID-19 crisis has once again highlighted the need to strengthen multilateralism and the rules-based order to better address global challenges;
- D. whereas the pandemic and its economic and social effects can further contribute to political grievances deriving from perceived inequality and marginalisation; whereas the global economic decline has had a particularly severe impact on the most vulnerable economies; whereas the COVID-19 outbreak has exacerbated the persistent problem of medicine shortages worldwide, with acute consequences in developing countries;

⁽¹⁾ Texts adopted, P9_TA(2020)0054.

⁽²⁾ OJ C 388, 13.11.2020, p. 11.

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- E. whereas the pandemic has aggravated the critical humanitarian situation of vulnerable people, notably in conflict zones, refugee camps and fragile states, and among indigenous communities; whereas the EU has echoed the UN's appeal for an immediate global ceasefire and to ease sanctions in the light of the pandemic so as to ensure that essential equipment and supplies needed to fight the coronavirus are delivered; whereas we are consequently witnessing a decline in global liberties and democracy, which is putting further strains on a multilateral order already in crisis;
- F. whereas women around the world in violent relationships were forced to remain at home, where they were exposed to their abuser for longer periods of time; whereas while domestic violence helplines and shelters across the world are reporting rising calls for help, in a number of countries, reports of domestic violence and emergency calls have surged upwards of 25 % since social distancing measures were enacted;
1. Affirms that the global outbreak of the COVID-19 pandemic is a game changer in the international environment, a risk multiplier and a catalyst of change in the global order; stresses the fundamental importance of strengthening the EU's internal resilience, developing new partnerships and strengthening its multilateralist vision on a global scale, with an assertive and coordinated foreign policy response;
2. Welcomes the Team Europe and Coronavirus Global Response support initiatives, which are helping partner countries to tackle the impact of the coronavirus on cross-border coordination; welcomes the EU's coordination with the G7, G20, UN, World Health Organization (WHO), World Food Programme and other international partners, which serve to foster a coherent and inclusive global response to the pandemic, to mitigate the wider impact on societies and economies, and to help reduce the risk of destabilisation;
3. Regrets the lack of global leadership and a coordinated international response during the initial phases of the COVID-19 crisis; condemns the withholding of critical information; rejects the pursuit of isolationist solutions; strongly objects to the rise of authoritarian nationalism, state-sponsored disinformation campaigns and the promotion of false narratives which foment distrust and undermine democratic societies and international cooperation and raise questions about the EU's role in the world; underlines that global cooperation, an inclusive global approach and coordination are essential to tackle the global health crisis and other global threats effectively;
4. Underlines that notwithstanding the COVID-19 pandemic, EU partner countries should not deviate from the path of reforms during the legislative process, should take the fight against corruption seriously and should commit themselves to abiding by and implementing fundamental human and minority rights in line with their international obligations and commitments;
5. Deplores the fact that a number of governments and political leaders across the globe are using the crisis as an opportunity to furnish themselves with excessive powers and pursue their own political agendas by limiting human rights, undermining democratic standards, weakening the rule of law, diminishing the role of parliaments, limiting media freedom, inciting campaigns of hatred against minority groups, launching disinformation campaigns that target pro-EU reforms and values, and harming international cooperation; insists that any state of emergency must contain a termination clause; is concerned that the rallies protesting against coronavirus restrictions which are taking place in various cities around the world are often infiltrated and manipulated by extremist groups, with demonstrators calling the virus a hoax;
6. Deplores the fact that the consequences of the COVID-19 pandemic have exacerbated global socio-economic inequalities and disproportionately affect the poorest and persons in the most disadvantaged, marginalised and unprotected social categories, including migrants; condemns all forms of exclusion and discrimination against those infected with COVID-19 and calls on third countries and the EU Member States to mitigate the social effects of the pandemic;
7. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to review the 2016 Global Strategy in the light of the global impact of the crisis, reflecting these geopolitical shifts, to ensure more strategic EU action and that the EU plays its part in defending, promoting and developing the rules-based multilateral world order that has been created since the Second World War, and to include democracy support and protection of human rights as a Team Europe priority, involving the European Parliament in this task through its existing democracy and rule of law support tools and mechanisms;

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A changed geopolitical balance after COVID-19

8. Notes with concern that geopolitical competition and tensions have accelerated following the COVID-19 outbreak, and recognises that the European Union still has to position itself in this new geopolitical environment; agrees that the post COVID-19 world will look fundamentally different and will have far-reaching consequences for EU external policy, and believes that COVID-19 has confirmed the need for a stronger and more effective EU foreign and security policy;

9. Insists that the transatlantic partnership should be reinvigorated in order to fight more effectively against the pandemic and other major international challenges such as climate change; acknowledges the need to find a new basis for cooperation between the EU and the US, emphasising mutual respect and a joint agenda upholding multilateralism, international justice, the rule of law and human rights against nationalistic, authoritarian and hegemonic ambitions;

10. Considers that in this changing context, the EU must step up and lead by example, championing multilateral solutions, working with international organisations, notably the UN and its agencies, the WHO, the World Bank, the International Monetary Fund (IMF) and international regional organisations, such as NATO, seeking stronger cooperation with like-minded countries, including from the southern hemisphere, promoting collaboration between democratic regimes and strengthening democratic values; recalls that the pandemic has emphasised the need to work together to find common solutions to problems that concern all humankind;

United States

11. Is concerned about the lack of cooperation by the United States Government, its reluctance to take a leading role in response to COVID-19 and the lack of participation in joint initiatives on vaccines; believes that the alternative facts and false information denying the severity of the pandemic have been very misleading in the joint fight against the virus; calls for both the EU and the US to strengthen cooperation and solidarity on the basis of a science-oriented approach in the common fight against the COVID-19 pandemic, including the timely exchange of information, research and development of the vaccine and strategic medical equipment, as well as to tackle other global challenges together;

12. Encourages the authorities to incorporate good practices from the Venice Commission Code of Good Practice in Electoral Matters, which also contains guidelines for organising elections during the pandemic period;

13. Recalls that transatlantic cooperation remains an essential pillar of EU foreign policy and that it is paramount for the mutual security and trade interests of the EU and the US; expresses continued support for the transatlantic alliance and closer strategic transatlantic cooperation; regrets the unilateral measures taken during the COVID-19 crises such as travel restrictions from the EU Schengen area to the US without prior consultation with the EU;

14. Regrets the decline of US engagement globally and the decision of the US Government to withdraw funding from the World Health Organization (WHO) and to pull out of the Open Skies Treaty, and the general tendency of the current US administration to stand aloof from multiple multilateral organisations that were created to establish a rules-based liberal world order, or for it to undermine them (such as in the case of the International Criminal Court);

15. Stresses the need to consolidate and enhance cooperation between the EU and the US, based on mutual respect and a joint agenda to defend multilateralism, international law, shared democratic values, the rule of law and human rights; notes that, in a world marked by competition between the great powers, the European Union and the United States share common values linked to the existing international structures and remain indispensable partners in the current volatile international environment;

China

16. Notes the strengthening of the People's Republic of China's assertive public diplomacy worldwide following the COVID-19 outbreak, seeking to fill the political vacuum in the multilateral system left by a more isolationist US and trying to position itself as the dominant global player with an alternative governance model; is concerned about the PRC's efforts to achieve stronger power projection in the region, resulting in border disputes with many of its neighbours and its promotion of national strategic interests through multilateral organisations; is concerned about the possible shift of power in global politics related to the change in China's leadership; objects to the fact that the Chinese Government used the momentum of the pandemic's outbreak to impose the national security law and crackdown on the pro-democracy

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movement in Hong Kong, to increase the threats against Taiwan and to increase its activities in Tibet and the South China Sea, as well as the brutal persecution of Uyghurs in Xinyang and condemns the repeated attacks and pressure by Chinese representatives on Member States' governments and democratically elected politicians in the EU, such as the Czech Senate's President and Sweden's Minister for Culture;

17. Notes that after the outbreak of COVID-19, China provided emergency contributions to fight the virus and regrets that some were faulty or of inferior quality; also recognises, however, geopolitically and geo-economically motivated efforts bolstered by 'virus and wolf warrior diplomacy' disinformation campaigns and aggressive propaganda; condemns the attempts by China to use this 'virus diplomacy' against the EU with the ambition of shaping its global image as a benevolent power; regrets China's isolation of Taiwan in the WHO; calls on the Member States to advocate Taiwan's membership as an observer in the WHO/WHA and other international organisations, in view of its effective handling of the virus domestically, and without it being able to contribute with its expertise to the international response to the current health crisis; praises the aid provided by the Taiwanese authorities;

18. Is concerned about a number of mistakes and a lack of transparency related to the initial Chinese reaction to the global outbreak of the COVID-19 pandemic, involving covering-up the magnitude of the problem, attempts to manipulate and withhold information, poor communication with the WHO, censorship, the suppression, threatening, persecution and forced disappearance of whistle-blowers, human rights activists and citizen journalists, and creating doubts about the official death toll of COVID-19 victims, all of which had a damaging impact on the EU's ability to anticipate, prepare for and face the COVID-19 crisis, and has cost lives; therefore urges the Chinese Government to fully cooperate with an independent international investigation into the origins of COVID-19, and calls on the Member States to develop a comprehensive approach towards a rising China and to protect the EU's strategic autonomy;

19. Calls for a European response to China's intensified expansion towards the most exposed Member States and the EU's neighbours; points out that the current rush to contain the economic fallout of the pandemic will be an opportunity for Chinese strategic investments in key sectors such as telecommunications, transport and technology;

20. Is concerned about the potential 'debt trap' that might affect African countries as a result of COVID-19, as well as increasing political and economic dependencies of third countries on China, since the economic downturn will make it difficult for them to reimburse Chinese loans that are part of the Belt and Road Initiative; urges the EU and its Member States to promote the search for viable solutions regarding debt relief for third countries within international forums; calls for the EU and its Member States to ensure that humanitarian exemptions from sanctions have an immediate and practical effect in terms of the swift delivery of medical equipment, supplies and other forms of assistance to the countries affected;

21. Calls on the VP/HR to recognise these concerns, review EU-China relations and simultaneously create an atmosphere of dialogue, engagement and genuine cooperation and competition based on a new, coherent and more assertive strategy adapted to the changed geopolitical and geo-economic landscape and long-term strategy towards China, in which the EU and the Member States cooperate where possible, compete where needed and confront where necessary to defend European values and interests; is of the view that, as part of this new strategy, the EU should seek closer collaboration with like-minded countries in the region and other democracies, including India, Australia, New Zealand, Japan and South Korea, and work towards a European strategy for the Indo-Pacific, for which the EU connectivity strategy should be used to the fullest extent;

India

22. Notes with concern that, in parallel with the upsurge of the COVID-19 outbreak in India, where more than 90 000 deaths have been reported so far, political repression against human rights defenders and individual freedoms is continuing against the backdrop of community-based tensions, and considers it essential that this issue be put on the agenda of the next EU-India High-Level Dialogue;

23. Stresses the importance of the EU-India Strategic Partnership, the need to promote it and to work together on stability and security, especially in the Indian Ocean and the Pacific;

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Russia

24. Expresses the utmost concern over the systematic attempts of the Russian Federation to undermine EU unity and its crisis response, create mistrust between the EU and Western Balkans and Eastern Partnership countries by the intensification of disinformation campaigns since the beginning of the COVID-19 pandemic and cyber-attacks against research organisations, as well as the politicisation of humanitarian assistance; commends the EEAS and the StratCom East department on their efforts to identify and suppress disinformation campaigns by Russian-related media outlets in several Member States and calls on the Commission to increase its efforts and funding dedicated to combating Russian fake news;

25. Recognises the clear geopolitical and geo-economic dimension of what was offered by Russia, bolstered by 'virus diplomacy' and a battle of narratives; notes with concern that Russia is taking certain assertive steps in the international arena with the aim of promoting its own geopolitical agenda; calls for the EU not to dismiss this and to keep on the agenda the conflicts in which Russia has an interest, such as those with Belarus, Ukraine, Georgia, Crimea, Syria and Libya;

26. Expresses deep concern about Russian attempts to use the pandemic to further diminish the human rights space in the country, support authoritarian regimes and continue its aggressive foreign policy; highlights that we must not allow countries like Russia to use the crisis to distract from their own significant domestic problems; is concerned about the Constitutional Referendum, in which the Russian President used the current crisis to enact crucial constitutional amendments that prolong and bolster his authoritarian rule in Russia;

27. Condemns the attempt on Alexei Navalny's life and calls for an independent and transparent investigation into Mr Navalny's poisoning without any delay;

28. Calls on Russia to meaningfully contribute to a global response to the crisis, in good faith and as part of the international rules-based order; is concerned about the effectiveness and safety of the new Russian vaccine now in use; recalls that the quality of medical products delivered by Russia in some cases was very low and hence ineffective;

A more assertive EU foreign policy to defend Europe's interests, its values and the multilateral world order

29. Recognises the global security, socio-economic, environmental and political risks that could be caused by the consequences of the COVID-19 pandemic, and is worried about the fact that global powers such as China and Russia are prepared to skilfully use the crisis to unravel the rules-based world order underpinned by multilateral organisations;

30. Stresses that the multilateral rules-based world order is vital for global peace, the rule of law and democracy; believes that a geopolitical EU, together with like-minded partners, must play a firmer role in defending and rebuilding it; believes that the EU must seek ways to de-escalate tensions between powers, in particular when these tensions hinder multilateral action; notes that the COVID-19 crisis has shown both the need to strengthen multilateral cooperation, particularly in global health governance, and the need to reform international institutions; calls on the EU Member States and the VP/HR to draft an 'EU road map on multilateralism' to promote and initiate structural reforms in multilateral organisations;

31. Calls for the possibility of creating a new forum for multilateral cooperation among Western allies, i.e. the EU, the US, Japan, Canada, South Korea, Australia and New Zealand, to be explored, drawing on the legacy of the Coordinating Committee for Multilateral Strategic Export Controls; requests that the remit of a new committee should cover the monitoring and control of the export of technologies, trade flows and sensitive investments to countries of concern;

32. Notes that EU geopolitical ambitions need to be underpinned by adequate budgetary allocations through the upcoming multilateral financial framework (MFF) and regrets that the European Council has proposed cuts to the budget lines for external policy instruments; calls for the EU's budget for external action in the MFF 2021-2027 to be strengthened and sufficient so as to ensure that the EU has the necessary resources to address the challenges in its neighbourhood, the geopolitical consequences of COVID-19 and that it can live up to its ambition to become a responsible geopolitical actor;

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33. Stresses that only a strong and more united EU possessing open strategic autonomy and backed up by sufficient and credible military capacities, as well as tools and mechanisms to support partners, will be able to play a strong role in the new geopolitical environment and conduct a strong foreign policy, and believes that Member States should give the VP/HR a stronger, well-defined mandate in speaking on behalf of the EU, for example by establishing a European seat in multilateral organs; welcomes President Charles Michel's conclusion that 'it is of the utmost importance to increase the strategic autonomy of the Union';

34. Believes that the end of the unanimity rule in certain foreign policy areas would help the EU to conduct a foreign policy that is more effective, more proactive and better suited to responding swiftly to emergencies; calls on the Council or the European Council to follow the Commission and Parliament's call to move to qualified majority voting, at least on human rights or sanctions, by activating the *passerelle* clause; stresses that the EU's leverage is greatest when the Member States act in unison;

35. Underlines the important role of the armed forces during the COVID-19 pandemic; welcomes military assistance to civil support operations, in particular through the deployment of field hospitals, patient transport and equipment delivery and distribution, and believes that a more in-depth joint operation and coordination of Member States' armed forces within existing frameworks — such as the Permanent Structured Cooperation (PESCO) project and the European Medical Command — or within new frameworks — such as military hospital trains — could lead to greater efficiency and contribute to the EU's preparedness to fight pandemics; recognises the need for military personnel to be sufficiently trained, prepared and equipped to deal with these kinds of essential tasks in support of their fellow citizens;

36. Recognises the need to review the EU's security and defence strategies to develop strategic autonomy, including in the health sector, to become better prepared and more resilient to the new and hybrid threats and technologies that have made the nature of warfare less conventional and challenge the traditional role of the military, as well as for a future in which Russia and China are becoming more assertive; underlines the need for military mobility to be strengthened in order to help Member States to act faster and more effectively in the context of a future possible conflict; stresses that the future Strategic Compass for security and defence should reflect these developments, take into account the broader geopolitical implications of COVID-19 and address the full spectrum of threats such as a new pandemic, chemical, biological, radiological and nuclear (CBRN) threats and foreign interference, including disinformation or cyber-attacks; believes that, given the new political balance and a potential worsening of the international security environment following COVID-19, the EU defence budgets in general, and the military mobility budget in particular, must not be cut;

37. Supports the need for continuing and strengthening cooperation and, where needed, coordination between the EU and NATO, including the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) or NATO's Centre for Excellence for Military Medicine, as well as to counter COVID-19-related disinformation and cyber-attacks; calls for strong coordination with and support from the European Union Agency for Cybersecurity (ENISA) and for cooperation on the planning and development of military capabilities;

38. Calls for a new institutional approach to strategic communication in order to tackle the challenges and risks facing Western liberal democracies, as well as for the expansion and modernisation of EU communication strategies so that EU values and actions are sufficiently visible both within and beyond the EU, especially in neighbouring areas; urges the EEAS to further strengthen its capacities to counter malicious foreign interference and disinformation, hybrid warfare, propaganda and espionage, including the creation of dedicated StratCom Task Forces focused on the activities emanating from (a) China, and (b) the Middle East, including Iran, and imposing costs on countries and non-state actors that deliberately spread disinformation to divide and harm the EU and its Member States; reaffirms its dedication to developing legislative and non-legislative coordinated frameworks and improving coordination efforts and information sharing among the Member States at EU level to counteract disinformation;

39. Welcomes the work of EUvsDisinfo and the role played by civil society, grassroots organisations, independent journalists and media organisations in the fight against disinformation; underlines the importance of a principled EU stance on fighting disinformation linked to the spread of the COVID-19 virus and cyber-attacks against critical infrastructure; calls on social media platforms to act proactively and adopt measures that prevent the spread of disinformation and hate speech regarding the COVID-19 virus, and the need for them to invest in the fight against cyber-crimes and to raise awareness of this increasing threat;

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40. Stresses that its biggest global consumer market of almost 500 million people gives the EU significant leverage on the world stage, and believes that a geopolitical Commission should use this leverage, including through its trade policy, to defend the EU's interests when other countries are not prepared to comply with human rights, the rule of law or international treaties;

41. Notes that the COVID-19 pandemic has shown the need to reduce the EU's dependency on third countries in certain strategic and existential sectors such as health and strongly supports the diversification and relocation of its most critical supply chains; points out that COVID-19 has revealed the vulnerabilities of interconnectedness and interdependence and led to growing protectionism; underlines, therefore, the importance of striking the right balance between improving the resilience of our value chains to achieve strategic autonomy, strengthening the EU's global competitiveness and maintaining trade relations which are as open as possible;

42. Recalls its urgent request for a strong global sanctions regime to address serious human rights violations before the end of 2020, which would be the EU equivalent of the so-called Magnitsky Act; stresses that it should include acts of high-level corruption as a criterion for sanctions; welcomes the announcement by President von der Leyen that the Commission will soon come forward with a proposal and calls on the European Council to adopt the global EU human rights sanctions mechanism as a decision relating to the Union's strategic interests and objectives under Article 22(1) of the TEU;

43. Is deeply concerned at the disproportionate negative impact of the COVID-19 pandemic on migrants and refugees; urges governments, in their foreign policies, to engage in responses based on respect for human rights and dignity, and solutions to address migrants' and refugees' vulnerability and their need for protection, in line with the principles of solidarity and partnership, and allowing for adequate and accessible legal pathways for migration; stresses the importance of upholding the right to asylum worldwide;

44. Calls on the EU to engage in a global campaign to promote the UN recommendations on reducing prison populations by implementing schemes of early, provisional or temporary release of low-risk offenders; urges, in particular, that all persons detained for expressing critical or dissenting views or for their human rights activities be released and advocates reducing the use of immigration detention and closed refugee camps;

45. Recognises the decisive role women have played in coping with the COVID-19 crisis and the gendered impact of the pandemic; remains deeply concerned by the unprecedented toll the COVID-19 crisis has taken on gender equality advances worldwide in terms of the unequal division of both domestic and public care work, with women making up around 70 % of the global health workforce and calls for the needs of women and marginalised groups to be taken into account in a global response to the pandemic, as they are still rarely represented at the negotiating tables where crisis responses are laid out;

46. Is convinced that a human rights-based response to the COVID-19 pandemic constitutes the most effective, inclusive and sustainable approach to manage the current crisis; recalls that third countries' response to the COVID-19 crisis must not violate human rights or international law, must be limited to strictly necessary, proportionate measures and be both subject to regular scrutiny and time-bound; calls on EU delegations to closely monitor the global human rights situation, identify trends and support international, regional and local organisations, citizens and civil society in their efforts to reverse the negative impact of the COVID-19 crisis on human rights worldwide, and calls on the Commission to ensure that the consequences of COVID-19 do not undermine the implementation of the EU values and commitments on human rights already established in the EU Action Plan on Human Rights and Democracy 2020-2024;

47. Underlines the strategic importance of EU leadership and support in its neighbourhood, both in the East, the South and in the Arctic region, by helping its neighbours in their fight against the COVID-19 pandemic; calls for increased support for democracy, the rule of law, human rights and reforms in the neighbourhood;

48. Stresses that the EU must give Western Balkan countries that are not yet part of the EU a fair chance to join the EU and that the EU must consolidate its efforts to invest in the region; stresses that the EU enlargement process and the EU's focus on supporting the reform processes in the Western Balkans is continuing despite the ongoing pandemic; commends the Commission's financial assistance initiative and the inclusion in the EU joint procurement of medical equipment to support the Western Balkans in addressing the COVID-19 pandemic; calls for the inclusion of all Western Balkan countries in the EU Solidarity Fund and reiterates that aid to our partners must be accompanied by a robust communication campaign;

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49. Stresses that the COVID-19 crisis could destabilise countries in Africa which often have a fragile health infrastructure and high debts, acting as a 'conflict multiplier'; calls for EU-Africa cooperation to be strengthened and more effectively coordinated, for private investment to be expanded, financial assistance and recovery plans to be fostered and for an alternative to Chinese investments to be provided; calls for the EU to continue an enhanced dialogue leading up to the holding of the EU-Africa Summit and working to build Africa up into a long-term, reliable and close partner of the EU;

50. Underlines that sanctions should not impede a comprehensive response to the COVID-19 pandemic; stresses in the specific case of Iran that the scope of the Instrument in Support of Trade Exchanges (INSTEX) needs to be broadened and that this mechanism should be used to enhance our humanitarian response;

51. Highlights that the EU's partners in the Sahel-Saharan and Horn of Africa regions are facing the unprecedented consequences of the COVID-19 pandemic in addition to their ongoing struggle against armed terrorist groups, including jihadists;

52. Considers that relations between the EU and Latin America and the Caribbean are of strategic and crucial interest; stresses that Latin America has been one of the regions hardest hit by the COVID-19 pandemic; calls on the Commission to keep engaging with Latin American countries, establish enhanced cooperation to tackle COVID-19, help with the recovery plans and support these countries politically with a view to preventing their excessive dependence on aid from other geopolitical players; calls for the European Union and its Member States to implement Agenda 2030 and the SDGs as a roadmap for the recovery;

53. Notes that the current COVID-19 pandemic has had a negative impact on the existing common security and defence policy (CSDP) missions, in particular on EU training missions in places such as Mali, Somalia or the Central African Republic; recalls that a European presence and credible commitment is crucial in mitigating the humanitarian and socio-economic consequences of the COVID-19 pandemic; calls for the CSDP missions tasked with conflict prevention or mitigation to be strengthened, notably those in the EU's immediate neighbourhood, to help stabilise already fragile settings and prevent a relapse in conflicts and violence due to additional tensions caused by COVID-19; calls on the Member States to make more civilian and military personnel available for such missions and operations, and further calls in this regard for a swift adoption of the European Peace Facility; urges the EEAS to work on the resilience and sustainability of CSDP missions and operations during crises such as the COVID-19 pandemic; insists on the importance of maintaining the continuity of CSDP missions and operations in such contexts; calls for a full review of the impact of COVID-19 on the preparedness, readiness, force generation, the safety of personnel and the continuity of CSDP operations and missions;

54. Calls on the EEAS, the Commission and the Member States to integrate gender equality, gender mainstreaming, and an intersectional perspective, including equal and diverse representation, into the EU's foreign and security policy, and to acknowledge the diverse experiences of women and other marginalised groups on whom this pandemic has had detrimental effects;

55. Strongly believes that climate change cooperation could serve as the foundation for building broader global cooperation in response to COVID-19, bolstering the multilateral system and rebuilding faith in the need for a rules-based system;

56. Is of the opinion that the COVID-19 crisis has highlighted certain weaknesses of our Union and has shown the urgent need for an effective, efficient and autonomous Union, both internally and on the world stage, with mechanisms for preventing and combating crises, including with financial instruments; believes that the Conference on the Future of Europe will provide a good platform to move forward in constructing more efficient decision making in EU external policies; is therefore determined to start the Conference as soon as possible;

57. Notes the impact that COVID-19 has had on more vulnerable regions, including conflict regions and least developed countries; urges the VP/HR to push for local and regional ceasefires and truce agreements and support the initiative of the UNSG António Guterres for a global ceasefire; recalls the need to comply with the humanitarian principles of impartiality and neutrality in the delivery of aid, including in response to COVID-19-related needs; calls for the EU to defend humanitarian access to remote conflict zones, promoting humanitarian corridors and underlines that any external action in conflict-affected countries needs to be based on a conflict-sensitive risk and vulnerability assessment, including the perspectives of women and with a special focus on peacebuilding;

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58. Welcomes the EU's rejection of vaccine nationalism; reiterates that the EU has a leading role to play in facilitating access to vaccines in an equitable manner for all people across the world; calls on the Commission to work with its international partners to ensure that no one will be left behind once a vaccine has been made available;

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

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P9_TA(2020)0323

Improving development effectiveness and efficiency of aid**European Parliament resolution of 25 November 2020 on improving development effectiveness and the efficiency of aid (2019/2184(INI))**

(2021/C 425/08)

The European Parliament,

- having regard to the UN Sustainable Development Summit of 25-27 September 2015 and the outcome document adopted by the UN General Assembly on 25 September 2015, entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, and in particular to Goal 17 of the Sustainable Development Goals (SDGs) set out therein, which commits UN member states to strengthening the means of implementation of the agenda and to revitalising the global partnership for sustainable development ⁽¹⁾,
- having regard to the Addis Ababa Action Agenda, the outcome document adopted at the Third International Conference on Financing for Development held in Addis Ababa, Ethiopia from 13 to 16 July 2015 and endorsed by the UN General Assembly in its resolution 69/313 of 27 July 2015,
- having regard to the 2019 report of the UN Inter-agency Task Force on Financing for Development on Financing for Sustainable Development ⁽²⁾,
- having regard to the Paris Agreement of the 21st Conference of the Parties (COP 21) to the UNFCCC and the 11th Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 11), held in Paris (France) from 30 November to 11 December 2015,
- having regard to the Paris Declaration on Aid Effectiveness, adopted at the Second High Level Forum on Aid Effectiveness in 2005, the Accra Agenda for Action adopted at the Third High Level Forum on Aid Effectiveness in 2008 in Accra (Ghana), and the outcome of the Fourth High Level Forum on Aid Effectiveness held in Busan (Republic of Korea) in December 2011, which launched the Global Partnership for Effective Development Cooperation (GPEDC),
- having regard to the Nairobi Outcome Document of the Second High Level Meeting of the GPEDC, held in Nairobi (Kenya) in November and December 2016 ⁽³⁾,
- having regard to the GPEDC Senior Level Meeting of 13-14 July 2019, held on the margins of the UN High Level Political Forum on Sustainable Development in New York,
- having regard to the 17th Steering Committee Meeting for the 2019 Global Partnership Senior Level Meeting of 26-27 March 2019 in Kampala (Uganda),

⁽¹⁾ UN resolution adopted by the General Assembly on 25 September 2015: https://www.unfpa.org/sites/default/files/resource-pdf/Resolution_A_RES_70_1_EN.pdf

⁽²⁾ Financing for Sustainable Development Report 2019: <https://developmentfinance.un.org/sites/developmentfinance.un.org/files/FSDR2019.pdf>

⁽³⁾ GPEDC High Level Meeting 2016 Nairobi — outcome document: <http://effectivecooperation.org/wp-content/uploads/2016/12/OutcomeDocumentEnglish.pdf>

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- having regard to the 2019 report of the GPEDC entitled ‘Making Development Cooperation More Effective’ ⁽⁴⁾,
- having regard to the UN Convention on the Rights of the Child (CRC) of 20 November 1989,
- having regard to Article 208 of the Treaty on the Functioning of the European Union (TFEU), which defines the reduction and eradication of poverty as the primary objective of EU development policy and requires that the Union and its Member States comply with the commitments they have made in the context of the UN and other competent organisations, and take account of development cooperation objectives in policies they implement which are likely to affect developing countries,
- having regard to the new European Consensus on Development of 30 June 2017 ⁽⁵⁾,
- having regard to the Joint Africa-EU Strategy, adopted at the second EU-Africa Summit held in Lisbon in December 2007,
- having regard to the fifth African Union-EU Summit of 29-30 November 2017 and to the summit declaration ‘Investing in Youth for Accelerated Inclusive Growth and Sustainable Development’ ⁽⁶⁾,
- having regard to the global strategy for the EU’s foreign and security policy, presented by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy in June 2016, entitled ‘Shared Vision, Common Action: A Stronger Europe’,
- having regard to the Council conclusions of 12 May 2016 on stepping up joint programming,
- having regard to the Council conclusions of 16 May 2019 on the Annual Report 2019 to the European Council on EU development aid targets ⁽⁷⁾,
- having regard to the report by the High Level Group of Wise Persons of October 2019 entitled ‘Europe in the World — the future of European financial architecture for development’ ⁽⁸⁾,
- having regard to the Commission Staff Working Document of 26 March 2015 entitled ‘Launching the EU International Cooperation and Development Results Framework’ (SWD(2015)0080), and to the Council conclusions of 26 May 2015 on the Results Framework,
- having regard to the Commission’s Strategic Plan 2016-2020 on International Cooperation and Development,
- having regard to the Commission communication of 12 September 2018 on a new Africa-Europe Alliance for Sustainable Investment and Jobs (COM(2018)0643),
- having regard to the final report of March 2019 by the Commission’s Task Force for Rural Africa, entitled ‘An Africa-Europe Agenda for Rural Transformation’ ⁽⁹⁾,

⁽⁴⁾ Global Partnership Progress Report, 17 June 2019: <http://effectivecooperation.org/blogs-news-resources/resource-library/>

⁽⁵⁾ OJ C 210, 30.6.2017, p. 1.

⁽⁶⁾ https://www.africa-eu-partnership.org/sites/default/files/33454-pr-final_declaration_au_eu_summit1.pdf

⁽⁷⁾ Annual Report 2019 on EU development aid targets: <https://www.consilium.europa.eu/media/39336/annual-report-2019-on-development-aid-targets.pdf>

⁽⁸⁾ Council report of 2019 on the European financial architecture for development: https://www.consilium.europa.eu/media/40967/efad-report_final.pdf

⁽⁹⁾ https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/farming/documents/report-tfra_mar2019_en.pdf

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- having regard to the study of July 2019 on the application of the effectiveness principles, entitled 'Effectiveness to Impact' ⁽¹⁰⁾,
- having regard to its resolution of 22 May 2008 on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness ⁽¹¹⁾,
- having regard to its resolution of 5 July 2011 on the future of EU budget support to developing countries ⁽¹²⁾,
- having regard to its resolution of 25 October 2011 on the Fourth High Level Forum on Aid Effectiveness ⁽¹³⁾,
- having regard to its resolution of 6 October 2015 on the role of local authorities in developing countries in development cooperation ⁽¹⁴⁾,
- having regard to its resolution of 19 May 2015 on Financing for Development ⁽¹⁵⁾,
- having regard to its resolution of 14 April 2016 on the private sector and development ⁽¹⁶⁾,
- having regard to its resolution of 7 June 2016 on the 2015 EU Report on Policy Coherence for Development ⁽¹⁷⁾,
- having regard to its resolution of 13 September 2016 on the EU Trust Fund for Africa: the implications for development and humanitarian aid ⁽¹⁸⁾,
- having regard to its resolution of 22 November 2016 on increasing the effectiveness of development cooperation ⁽¹⁹⁾,
- having regard to its resolution of 14 February 2017 on the revision of the European Consensus on Development ⁽²⁰⁾,
- having regard to its resolution of 16 November 2017 on the EU-Africa Strategy — a boost for development ⁽²¹⁾,
- having regard to its resolution of 17 April 2018 on the implementation of the Development Cooperation Instrument, the Humanitarian Aid Instrument and the European Development Fund ⁽²²⁾,
- having regard to its resolution of 14 June 2018 on the upcoming negotiations for a new Partnership Agreement between the European Union and the African, Caribbean and Pacific Group of States ⁽²³⁾,
- having regard to its resolution of 14 March 2019 on the annual strategic report on the implementation and delivery of the Sustainable Development Goals ⁽²⁴⁾,
- 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 Neighbourhood, Development and International Cooperation Instrument ⁽²⁵⁾,

⁽¹⁰⁾ Benfield and Como for AECOM International Development Europe (2019), study on the application of the effectiveness principles, commissioned by the European Commission (Project No 2018/403300/1): https://knowledge.effectivecooperation.org/system/files/2019-07/2019_07_Impact_study_final.pdf

⁽¹¹⁾ OJ C 279 E, 19.11.2009, p. 100.

⁽¹²⁾ OJ C 33 E, 5.2.2013, p. 38.

⁽¹³⁾ OJ C 131 E, 8.5.2013, p. 80.

⁽¹⁴⁾ OJ C 349, 17.10.2017, p. 11.

⁽¹⁵⁾ OJ C 353, 27.9.2016, p. 2.

⁽¹⁶⁾ OJ C 58, 15.2.2018, p. 209.

⁽¹⁷⁾ OJ C 86, 6.3.2018, p. 2.

⁽¹⁸⁾ OJ C 204, 13.6.2018, p. 68.

⁽¹⁹⁾ OJ C 224, 27.6.2018, p. 36.

⁽²⁰⁾ OJ C 252, 18.7.2018, p. 62.

⁽²¹⁾ OJ C 356, 4.10.2018, p. 66.

⁽²²⁾ OJ C 390, 18.11.2019, p. 33.

⁽²³⁾ OJ C 28, 27.1.2020, p. 101.

⁽²⁴⁾ Texts adopted, P8_TA(2019)0220.

⁽²⁵⁾ Texts adopted, P8_TA(2019)0298.

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- having regard to its resolution of 28 November 2019 on the ongoing negotiations for a new Partnership Agreement between the European Union and the African, Caribbean and Pacific Group of States ⁽²⁶⁾,
- having regard to its resolution of 28 November 2019 on the 2019 UN Climate Change Conference in Madrid, Spain (COP 25) ⁽²⁷⁾,
- having regard to its resolution of 15 January 2020 on the European Green Deal ⁽²⁸⁾,
- having regard to the Council conclusions of 26 October 2015 on the EU Gender Action Plan 2016-2020 ⁽²⁹⁾,
- having regard to the Commission Joint Staff Working Document: Gender equality and Women through EU External Relations 2016-2020 (SWD(2015)0182),
- having regard to the Commission communication of 12 September 2012 entitled ‘The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations’ (COM(2012)0492);
- having regard to the study ‘Effective Development Cooperation — Does the EU deliver?: Detailed Analysis of EU Performance’, requested by the Commission and published in May 2020 ⁽³⁰⁾;
- having regard to the study of May 2020 on the effectiveness of blended finance, entitled ‘The use of development funds for de-risking private investment: how effective is it in delivering development results?’;
- having regard to the Commission communication of 15 May 2013 on empowering local authorities in partner countries for enhanced governance and more effective development outcomes (COM(2013)0280),
- having regard to the Commission’s Joint Communication to the European Parliament and the Council of 9 March 2020 entitled ‘Towards a comprehensive strategy with Africa’;
- having regard to the report of 10 December 2018 by the OECD (Development Cooperation Peer Reviews) on the European Union,
- having regard to the recommendation of 22 February 2019 by the OECD’s Development Assistance Committee (DAC) on the Humanitarian-Development-Peace Nexus,
- having regard to the OECD report of 24 June 2020 entitled ‘The impact of the coronavirus (COVID-19) crisis on development finance’ ⁽³¹⁾,
- having regard to the Special Report on the Ocean, Cryosphere and Climate Change (SROCC) by the Intergovernmental Panel on Climate Change (IPCC) of 25 September 2019,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Development (A9-0212/2020),

⁽²⁶⁾ Texts adopted, P9_TA(2019)0084.

⁽²⁷⁾ Texts adopted, P9_TA(2019)0079.

⁽²⁸⁾ Texts adopted, P9_TA(2020)0005.

⁽²⁹⁾ <https://www.consilium.europa.eu/media/24467/st13201-en15.pdf>

⁽³⁰⁾ https://ec.europa.eu/international-partnerships/system/files/eu-development-effectiveness-monitoring-report-2020_en.pdf

⁽³¹⁾ <http://www.oecd.org/coronavirus/policy-responses/the-impact-of-the-coronavirus-covid-19-crisis-on-development-finance-9de00b3b/>

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- A. whereas the context for development cooperation has changed over the years, with the emergence of new global challenges such as climate change and biodiversity loss, migration, food insecurity, internal conflicts, terrorism and violent extremism, and outbreaks of infectious diseases, as well as frequent and severe natural disasters, notably in developing countries, which affect the most vulnerable; whereas the global environment is becoming more complex and uncertain, with a rise in conflict and geopolitical rivalry; whereas this highlights the need for strengthened multilateralism and continuous efforts to increase the effectiveness and impact of European aid;
- B. whereas the world is struck by the Covid-19 pandemic; whereas the impact of this pandemic on developing countries and aid assistance beneficiary countries is still unclear and represents a significant strain on the aid assistance capacities of both donor countries and private investors;
- C. whereas the Covid-19 pandemic, which has affected all countries regardless of their level of development, is having a health-related impact, but also an economic and social impact; whereas this pandemic has an impact on development cooperation and imposes an obligation to ensure greater efficiency;
- D. whereas the current pandemic has severely disrupted and could have long-lasting effects on tourism, sea transport, and other ocean-based sectors, negatively impacting the economies of many developing countries, including the most vulnerable countries, small island developing states and least developed countries;
- E. whereas aid effectiveness depends on the way the principle of Policy Coherence for Development (PCD) is implemented; whereas more efforts are still needed to comply with PCD principles, especially in the field of EU migration, trade, climate and agriculture policies;
- F. whereas internal and external policies of the EU and the Member States should, in accordance with PCD, not impact negatively on developing countries; whereas there is an increasing emphasis on the promotion of EU external policy interests; whereas EU external assistance should continue to have development effectiveness and efficiency and partner countries' needs at its core, in accordance with Article 208 TFEU, which establishes that the reduction and eradication of poverty is the principle aim for development cooperation policy;
- G. whereas development effectiveness principles as well as all sources of development financing should be articulated so as to fulfil the objectives set in the Paris Climate Agreement;
- H. whereas the world's population is growing faster than gross national income (GNI), in particular in sub-Saharan Africa, where the population is expected to double over the next 30 years to 2,1 billion in 2050 and 3,8 billion by the end of the century; whereas in spite of strong economic growth, this will increase the number of people living in poverty and unemployment, pointing up the urgent need to support developing countries effectively in their efforts to achieve the SDGs;
- I. Whereas an EU-Africa strategy based on a partnership of equals entails taking into account the specific concerns of African countries in terms of economic diversification, industrialisation, loss of government revenues and regional integration;
- J. whereas inequalities between countries are still very high, while inequality has a negative impact on aid efficiency and effectiveness;
- K. whereas it is important to put in place measures which aim at building and increasing the resilience of communities, in particular in fragile partner countries, in countries affected by conflicts or natural disasters, and in refugee-hosting countries;
- L. whereas children's health and wellbeing constitute a crucial objective of development cooperation policies;

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- M. whereas the EU, which taken together with its Member States is the world's biggest donor of official development assistance (ODA), to a total of EUR 74,4 billion in 2018 representing almost 57 % of all ODA worldwide, is committed to promoting effective development cooperation geared towards ending all forms of poverty and inequality, and to supporting its development partners in realising the 2030 Agenda for Sustainable Development; whereas in 2019, OECD-DAC members collectively spent only 0,3 % of GNI on ODA, with only five members meeting or exceeding the spending target (the UK, Sweden, Denmark, Luxembourg and Norway);
- N. whereas the principles of country and democratic ownership and alignment, focusing on results, inclusive partnerships, transparency and accountability, should underpin all forms of development cooperation, to ensure that development funds are used efficiently and effectively in order to properly achieve the SDGs;
- O. whereas the role of the Global Partnership for Effective Development Cooperation (GPEDC) is to promote the principles of aid effectiveness; whereas it has three strategic priorities that will guide its contribution to the launch of the 'Decade of Action', namely: promoting development effectiveness to accelerate the implementation of the 2030 Agenda; building better partnerships; and leveraging monitoring for action;
- P. whereas the study 'Effective Development Cooperation — Does the EU deliver?: Detailed Analysis of EU Performance' points to a decreased alignment of EU Member States and institutions to the effectiveness principles and related indicators, in particular predictability, use of indicators drawn from partner country-owned results frameworks, using partner country public financial management systems, commitment to involve partner governments in project evaluations, and transparent reporting;
- Q. whereas the EU's development policies and partnerships must be built on sustainable political and economic cooperation with partners on an equal footing and with respect for human rights at its core; whereas its development policies must take into account the situation of forcibly displaced people, of vulnerable populations and of migrants and asylum seekers;
- R. whereas, given the increase in protracted crises, the EU should continue its efforts to operationalise the humanitarian-development nexus with the aim of delivering long-lasting results;
- S. whereas the fragmentation of aid remains a persistent challenge arising from the proliferation of donors and aid agencies and lack of coordination of their activities and projects;
- T. whereas during the programming process it is essential to guarantee a wide consultation in partner countries with all relevant actors: local authorities, national parliaments, civil society, local NGOs, women's associations, marginalised groups, the UN and its agencies, SMEs and the private sector;
- U. Whereas without a bottom-up approach to development it is impossible to maximise development results; whereas improved sharing of concrete examples and advice on successful projects on the ground in partner countries will help in implementing the principles effectively and achieving the intended results successfully;
- V. whereas an effective Private Sector Engagement (PSE) should be based on the five Kampala principles, namely: Inclusive Country Ownership; Results and Targeted Impact; Inclusive Partnership; Transparency and Accountability; and Leave No-One Behind;
- W. whereas in the partner countries there are several other actors and donors delivering humanitarian and development aid;
- X. whereas although the EU institutions and Member States, local and regional authorities, international organisations and civil society organisations (CSOs) have a large stock of data and expertise, it remains insufficiently shared; whereas these data should be made more accessible and should be used in policymaking;

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- Y. whereas triangular cooperation is especially efficient in improving cooperation to respond to common challenges, such as preventing, managing and recovering from natural disasters that slow down and interrupt development, security challenges in a wider region, or adapting small business models to the new economic challenges that have emerged during the coronavirus crisis;
- Z. whereas the design and implementation of effective aid policy requires a deeper understanding of the impact of aid and the overall environment in which development aid operates;
- AA. whereas accessible and reliable aid data reinforce the transparency of aid flows and help all development partners in their planning and coordination processes; whereas international standards as promoted by the International Aid Transparency Initiative (IATI) make these data comparable; whereas achieving development results and working towards the SDGs require detailed data on the local context, an agreed set of results to be targeted, joined-up action to work towards them, and fast public feedback to facilitate accountability;
- AB. whereas gender equality is a key principle of EU development aid; whereas the impact of development policies is different on women and girls; whereas there is a lack of gender-disaggregated data in the field of development;
- AC. whereas aid policies that foster equality are proven to be more effective in achieving the SDG objectives, notably fighting poverty and promoting education;
- AD. whereas there is a real risk that the benefits of development assistance and of foreign direct investment (FDI) and humanitarian aid may be captured by political and economic elites; whereas this highlights the need for development cooperation that aims at bringing about transformational changes in political economies, notably related to governance, the distribution of power, social exclusion, social protection and access to resources, as well as interaction with the global economy; whereas this highlights the need to support and promote through development cooperation the principles of good governance, the rule of law, the separation of powers and promotion of human rights;
- AE. whereas the United Nations Conference on Trade and Development (UNCTAD) estimates that developing countries stand in need of USD 1 trillion in post-Covid-19 debt relief; whereas the World Bank, the IMF, the G20 and the G7 have taken public debt relief measures for the world's poorest countries; whereas these measures should be complemented to allow development aid to effectively deliver on the SDGs in areas such as access to basic services, good governance and basic human rights in developing countries;
- AF. whereas the EU is present in all the oceans through its overseas territories both outermost regions and overseas countries and territories), and it is crucial that it develops regional strategies that incorporate locally expressed needs as fully as possible;
- AG. whereas local authorities have a central role to play in achieving the SDGs and decentralised cooperation must be at the heart of the EU's development strategy;
- AH. whereas development policies must take account of adaptation to the impact of climate change in terms of the displacement of vulnerable populations and the worsening of social inequalities and with a view to eradicating poverty;
- AI. whereas the income developing countries are losing due to illicit financial flows, including tax evasion, is more than double the amount they are gaining through official external sources, including development assistance;
- AJ. whereas the use of country-owned results frameworks and planning tools (public financial management, PFM) by the EU institutions is decreasing, although they play a significant role in effective development cooperation, for achieving the SDGs, and for achieving gender equality as they perform positively in mainstreaming gender responsiveness; whereas increased commitment in this regard is needed;

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1. Stresses that effectiveness means delivering more and better impact, achieving the SDGs and leaving no-one behind; believes that when European development cooperation is aligned with partner countries' own efforts and local needs, coordinated with other donors' efforts, and delivered through their partners' institutions and systems as well as local actors and civil society, and that when it supports priorities that have been agreed through inclusive and equitable policy processes, ensuring democratic country ownership and the inclusion of all stakeholders, the impact is bigger, faster and more sustainable;
2. Underlines that the EU, as the world's biggest donor and an important international actor for rules-based multilateralism and democracy, should use its powerful toolbox of instruments and aid modalities in a coordinated manner to allow task sharing and avoid fragmentation of aid, and identify priorities where it can effectively provide the greatest value added impact;
3. Stresses that the EU should take the lead in using the principles of aid effectiveness and aid efficiency, in order to secure real impact and the achievement of the SDGs, while leaving no-one behind, in its partner countries; stresses, in this regard, the impact that EU use of development aid and FDI could have on tackling the root causes of migration and forced displacement;
4. Highlights the need to implement the policy objectives in the new European Consensus on Development in a more strategic and targeted manner in each partner country, thereby applying the humanitarian-development nexus approach, and respecting PCD; stresses that aid programmes should be combined with an analysis of debt sustainability and should take account of the need to strengthen parliamentary oversight in a partner country;
5. Stresses that the EU must continue to closely monitor the use of funds and take all necessary measures to avoid any misuse of aid funds, ensuring compliance with its policy goals and values in development cooperation; calls for effective mechanisms to be put in place to be able to thoroughly control the final destination of those funds and assess the projects which received funding;
6. Stresses that good governance is a decisive factor for the fair and appropriate distribution of aid, and points out that achievement of the SDGs, and hence the effectiveness of the funds, depends to a large extent on the capacity of partner countries to use the funds in a fair and transparent manner;
7. Calls on the EU to engage directly with and to build inclusive sustainable partnerships with countries of origin and transit of migration, based on the specific needs of each country and the individual circumstances of migrants;
8. Underlines that the principles of the Global Partnership for Effective Development Cooperation (GPEDC) are built on important and enduring lessons from past development strategies and practices, including both successes and failures, and that these principles remain important expressions of multilateral cooperation and coordination which the EU is committed to uphold; calls on the Commission to use its membership of the GPEDC and OECD-DAC and its voice in international fora and in the governance structures of the international financial institutions to further strengthen the effectiveness principles and encourage adherence to them and implementation of them in all forms of development cooperation and by all actors involved;
9. Recognises that effective development cooperation cannot be delivered through EU cooperation alone and can only be truly effective if all development actors collaborate; expresses concern that when other actors do not respect and implement the effectiveness principles in their cooperation programmes the resulting fragmentation and bypassing of partner country systems reduces the effectiveness and impact of assistance overall as a collateral, including EU assistance;
10. Calls on the Commission to publish, at least biannually, an aid effectiveness progress report, covering joint planning, joint implementation and joint results frameworks, and actions by EU institutions, Member States and local and regional authorities; underlines that this report should be based on commonly agreed targets and policy objectives, notably the SDGs and the Consensus; calls on the Commission to consult stakeholders while drawing up this report and to present the report to Parliament;

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11. Calls on the Commission and the Council to scale up joint programming between the EU and its Member States; points out that at country level, the EU and the Member States need to go beyond the mere consolidation of existing bilateral development priorities and actions and form a unified collective European voice on strategic issues in political and policy dialogue with partner countries, which should also take account of regional integration bodies as EU counterparts where appropriate, as well as of innovative financing methods such as blending and guarantees when effective; calls for clear, actionable commitments, taking stock of previous strategies and practices;

12. Calls on the Commission to ensure that regular meetings of the EU with Member States' representatives, implementing agencies, international organisations, local and regional authorities and CSOs take place on the ground in the respective partner countries in order to identify the challenges and opportunities and that the subsequent joint response and implementation meets the identified needs; points out that joint programming, under the direction of Heads of Mission, has proven to be successful in terms of policy coherence across political, trade, development and security strategies; also calls for the EU and its Member States to engage in joint implementation and evaluation, and for shared accountability mechanisms towards citizens; calls for the EU to work with non-traditional donors that can demonstrate adherence to the aid effectiveness principles;

13. Welcomes the Council conclusions of 8 June 2020 which highlight the 'importance for all the actors involved in Team Europe to coordinate actions, and share information and communication efforts at country level, within the EU, in partner countries and in global and multilateral fora'; asks the Commission and the Member States to follow this approach in the future in the context of all development-related measures, programming and implementation; reiterates its requests of 2013 ⁽³²⁾ and 2017 ⁽³³⁾ and asks the Commission to submit, on the basis of Articles 209 and 210 TFEU, a proposal for an act concerning regulatory aspects of EU donor coordination on development aid;

14. Stresses that in view of the future implementation of the Neighbourhood, Development and International Cooperation Instrument (NDICI), joint programming and implementation by the EU, its Member States and EU development financing partners should build upon the aid effectiveness principles; points to the importance of collectively setting strategic priorities and identifying investment needs/gaps in the pre-programming phase and subsequently looking at ways to optimise the range of modalities in the EU institutions' toolbox, including grants, budget support grants and EIB loans, as well as financing from the Member States; is concerned in this regard that LDCs are seeing an increase in tied aid and reiterates that untied aid can reduce costs by 15 to 30 %;

15. Calls on the Commission to ensure that the programming and implementation of these modalities is coordinated, strategically aligned with partner countries' priorities and processes, and focused on delivering outcomes and impacts that are transformational for achieving the SDGs in the specific context of each partner country; underlines the need to facilitate the creation of markets which are self-sustaining and to ensure that good exit practices are taken into account in the pre-programming phase; calls on the Commission and the Member States to accelerate efforts to untie their ODA in line with the commitments of the Consensus and to encourage all development cooperation providers, including emerging economies, to do the same; encourages local procurement and ownership;

16. Stresses that Parliament's mandate on the NDICI calls for provisions to improve the human rights, environmental and social compliance of financial operators in the use of blending-guarantee mechanisms through the EFSD+ — External Action Guarantee (EAG); recalls that according to Parliament's position, 45 % of the financing through EFSD+ and EAG shall be allocated to investments that contribute to climate objectives, environmental management and protection, biodiversity and combating desertification, with 30 % of the overall financial envelope dedicated to climate change mitigation and adaptation;

17. Points out that the EU has set itself ambitious environmental and climate goals, and calls for it to support partner countries through close cooperation in order to help them meet their own climate and environmental goals and strategies, both those laid down by treaty and those that are self-imposed, as the sustainable use of their own resources is the basis of the economies of many partner countries and is essential for the achievement of the SDGs;

⁽³²⁾ Resolution of 11 December 2013 with recommendations to the Commission on EU donor coordination on development aid (OJ C 468, 15.12.2016, p. 73).

⁽³³⁾ Resolution of 14 February 2017 on the revision of the European Consensus on Development (OJ C 252, 18.7.2018, p. 62).

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18. Calls for the EU institutions, the Member States and other public and non-governmental actors active in development cooperation to share evidence and experience about what kind of development interventions tend to be successful and which ones have failed, proved difficult to implement or did not produce the intended impact;

19. Welcomes the independent report by the High-Level Group of Wise Persons on the European financial architecture for development, and calls for the creation of a European Investment and Sustainable Development Bank;

20. Stresses that accountability for all public expenditure, including ODA, is vital both in Europe and in partner countries; believes that accountability requires strong institutions and that having clear and agreed targets for European ODA is essential for ensuring continued public support for the EU's development cooperation endeavours; recalls that partnerships and cooperation with civil society and NGOs can improve accountability in public expenditure regarding ODA; points to the role of civil society organisations in mobilising the funds needed to achieve the SDGs;

21. Emphasises that accountability requires transparent and robust procedures as well as concern for efficiency and the attainment of demonstrable results, thorough ex-ante and ex-post evaluation, and critical analysis of failures, as well as learning how to deliver effective and sustainable results; calls on the Commission, therefore, to coordinate a Europe-wide standardisation of impact indicators in order to compare the effectiveness and efficiency of projects between Member States;

22. Encourages recipient countries' parliaments to adopt national policies on development aid in order to improve the accountability of donors and the ownership of recipient governments, including that of local authorities, eradicate corruption and all forms of aid wastage and improve conditions for receiving budget support, as well as, in the long run, reducing dependence on aid;

23. Stresses that it is important that EU ODA focuses even more on reducing inequalities, ending poverty and leaving no-one behind;

24. Stresses that effective and efficient aids to country-led strategies and capacity development lead to a reduction in child mortality and that investing in the wellbeing of children is fundamental to break the cycle of poverty, including the fight against forced and under-age labour;

25. Believes that the use of results-based approaches is critical for the EU's partner countries and is a fundamental element of their capacity to deliver the SDGs for their citizens; points, however, to the importance of taking into account the diversity of the specific situations in and challenges for partner countries, in particular LDCs and fragile countries; calls on the EU and its Member States to support and use partner countries' own national results-measuring frameworks and their monitoring and statistical systems, and to involve, during all the stages, all relevant actors: local authorities, national parliaments, civil society including women's associations and marginalised groups, and the private sector with a focus on SMEs; stresses that investment in the capacity-building of local CSOs is an essential prerequisite for effective aid;

26. Notes that in some areas development aid efficiency and effectiveness are hard to measure, but calls on the Commission to look into appropriate indicators for assessment and to use the results to prepare country-specific information on the efficiency and effectiveness of development aid and to develop best-practice approaches;

27. Calls for the EU and its Member States to enhance their commitment to transparent data flows through continuous investment in data visualisation, statistical reporting and the publication of open data, and the application of international standards such as IATI (the International Aid Transparency Initiative Standard), and by regularly updating and developing the EU Aid Explorer; encourages the stepping-up of efforts at EU level to ensure public access to and dissemination of data and reporting on the spending of EU development aid; reiterates in this respect that the Commission should publish the 'Annual Report on the implementation of the European Union's instruments for financing external action' prior to the start of the discharge procedure for the given year;

28. Points out that gender equality is essential for sustainable development and that progress made in combating discrimination and violence against women and girls in partner countries should be considered as an essential aspect of aid effectiveness; recalls that development cooperation may have different impacts variously on girls and boys and on women and men;

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29. Urges the Commission and the Member States, as well as all development partners, to prioritise gender equality, by making increased use of gender mainstreaming, gender budgeting and gender targeting; furthermore stresses the need to collect comparable and gender-disaggregated data in order to promote a comprehensive and harmonised approach to EU reporting on gender targets, and to support women so that they become empowered agents for development in their communities and beyond;

30. Calls for the EU and its Member States to enhance alignment of their assistance to the effectiveness principles and related indicators, in particular predictability, use of indicators drawn from partner country-owned results frameworks, use of partner-country public financial management systems, and commitment to involve partner governments in project evaluations, as well as transparent reporting;

31. Calls upon Member States to streamline their assistance to a greater extent with common European aid objectives in order to improve the effectiveness of EU development policy as a whole;

32. Supports a catalytic and cross-cutting approach, building on decentralised and bottom-up needs assessments and programming, which favours local ownership and is informed by a thorough analysis of the situation and consultation with civil society and other stakeholders in each partner country, in close collaboration with local communities and organisations;

33. Encourages a reinforcement of South-South and triangular cooperation, including for projects focused towards more effective regional cooperation and integration as well as more effective involvement of the outermost regions and overseas countries and territories in the implementation of European development cooperation in their respective geographic areas, at all levels of governance, in order to support the achievement of the SDGs and the recovery from the Covid-19 pandemic; stresses that the capacities of middle-income countries — including of countries recently graduated from the OECD's Development Assistance Committee's list of ODA recipients — should be engaged where relevant;

34. Stresses that, in order to make development aid more effective, deliver long-lasting results and address local needs, in particular in protracted crisis and post-crisis settings, it is imperative to improve the coordination of humanitarian aid and development assistance and to strengthen the humanitarian-development nexus and its links with actions related to peace and security in developing countries; calls for the EU to further develop such an approach;

35. Acknowledges the value of predictable and flexible financing, including multiannual humanitarian finance for protracted crises and development aid programmes that have the capacity to adapt to unforeseen humanitarian crises;

36. Underlines the importance of strengthening CSOs in their role as independent development actors; stresses that an enabling and open environment for CSOs is consistent with internationally agreed rights and maximises the contributions of CSOs to development; expresses its concern regarding the shrinking space for CSOs in many partner countries; calls on the Commission to improve accessibility of funding for CSOs, including in partner countries;

37. Stresses the importance of implementing the exchange of best practices and of policy and action coordination and collaboration between the EU and the other actors, e.g. the UN and its agencies, which deliver aid in the partner countries; underlines that this is even more crucial in fragile partner countries, in countries touched by conflicts or natural disasters, and in refugee-hosting countries; considers it essential, in this context, to place community resilience at the core and to support actions aiming at developing risk-informed programmes and training programmes for emergencies, engaging community participation and fostering partnerships;

38. Calls on the Commission and the Member States to enhance cooperation with local authorities in partner countries, but also within the EU; calls for budget support as an aid modality to be usable also at sub-national level, and for redistribution mechanisms between different levels of government and across regions to be developed with the primary objective of reducing in-country disparities and inequalities and ensuring that no-one is left behind;

39. Underlines the role of church and mission organisations in humanitarian and development aid and their importance on the ground, as they are among the biggest NGOs active in the development and aid fields; stresses the fact that working with religious leaders in many local communities in developing countries is often the most effective way of reaching local people in need;

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40. Recognises the essential role of civil society as partner, both during the consultation process and as deliverer of services; in this light, calls on the Commission and the Member States to recognise and strengthen their roles in order to achieve inclusive development partnerships;
41. Calls for a stronger focus on local SMEs, small-scale farmers and empowering women, as this approach has proven particularly effective in reducing poverty and inequality, and in strengthening civil society and communities;
42. Recognises that private-sector engagement — at local, national, bilateral and international levels — is important for achieving the SDGs, for mobilising additional development finance, and for the transition towards sustainable economic development, growth and prosperity;
43. Calls for efforts to ensure private-sector alignment with the development priorities of national governments and civil society in developing countries and the needs of local populations, in particular those of marginalised and vulnerable groups, and to align the private sector's involvement in development cooperation with the effectiveness principles and the Kampala principles while improving the transparency, monitoring and evaluation and accountability of FDI and global value chains, as well as respect for human rights and due diligence principles;
44. Calls for the European institutions and bodies to establish a clear, structured, transparent and accountable framework governing partnerships and alliances with the private sector in developing countries, and stresses that, in parallel with an increased role for the private sector, it is important to develop institutional capacities;
45. Underlines that all actors, including the private sector, need to contribute to the effectiveness agenda through participatory involvement, planning and implementing, mutual accountability and transparency, monitoring and evaluation; stresses that donors should improve their predictability and speediness when working with these actors as implementing partners and basic service supply partners, in order to genuinely reach the most vulnerable sections of the population;
46. Calls on the Commission and the Member States to ensure that actors of the private sector involved in development partnerships abide by the principle of corporate accountability on human rights and the environment throughout the whole lifecycle of projects, in compliance with the UN Global Compact on Human Rights, the UN Guiding Principles on Business and Human Rights, ILO core labour standards, and the UN Convention Against Corruption; reiterates its call for an EU legal framework supporting mandatory corporate due diligence, to ensure that EU investors act responsibly internationally and locally and contribute to local development in developing countries;
47. Reiterates that private development assistance must respect the UN Guiding Principles on Business and Human Rights, the ILO standards and the OECD Guidelines on Multinational Enterprises; further stresses that it needs to commit to ensuring good governance, poverty reduction, and wealth creation through sustainable investment, as well as to reducing inequalities, promoting human rights and environmental standards and empowering local economies;
48. Stresses that in order to move away from a donor-recipient dynamic and to empower partner countries' ownership of development priorities so as to deliver on sustainable development, EU development strategy frameworks must foresee concrete actions to support increased domestic resource mobilisation in partner countries, such as supporting the fight against corruption and the development of progressive tax systems, as well as tackling tax avoidance and evasion;
49. Welcomes the use by the EU of various development finance tools for poverty eradication and achievement of the SDGs; stresses the need for donors to prioritise grant-based financing, especially to LDCs, in a context where, before the COVID-19 pandemic outbreak, poorer countries were already spending more money on debt service payments than on health services;
50. Notes that the Commission foresees an increasingly prominent role for blending- guarantee mechanisms in EU development policy, at the expense of other aid modalities; stresses that while blended finance has grown rapidly, there is little evidence of its development impact, as most currently goes to middle-income countries, with only a small portion

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going to LDCs; underlines the critical opinion of the European Court of Auditors on the management and effectiveness of the Commission's implementation of the European Fund for Sustainable Development (EFSD); accordingly, calls for the EU and its Member States to adopt a cautious approach to blended finance and ensure that all finance mobilised through blending complies with the development effectiveness principles;

51. Encourages the EU to keep up its efforts to support partner countries in delivering smart, targeted and adaptive policies, which can help achieve the SDGs in the most effective way; recalls in this regard the crucial role of research and development (R&D) in nurturing innovation and entrepreneurship with positive spillover effects on all sectors of local economies; therefore calls on the Commission and the Member States to reinforce cooperation in R&D and to strengthen investments in strategic local production capacity, especially related to health and including for the newest bio-pharmaceutical products, so as to enhance autonomy from global supply chains;

52. Underlines the important role of CSOs in identifying needs and delivering development aid directly to the poor, underprivileged and vulnerable; calls, however, for enhanced coordination of assistance distributed among NGOs and other donors in order to secure the predictability of aid and avoid fragmentation of aid, overlapping actions and so-called 'aid orphans' (countries neglected by the development community);

53. Calls on the Commission to reassess whether the administrative obligations concerning access to EU funding are proportionate; deplores in that context the fact that EU grants are becoming increasingly inadequate and unattractive for NGOs, owing to requirements to limit support costs and increasing administrative and audit burdens;

54. Calls on the Commission to establish a network of and engage with reliable non-governmental partners, such as local CSOs, churches, faith-based organisations and specialised Member State agencies for the implementation of smaller-scale projects;

55. Reconfirms that investment in local and national infrastructure of different scales for key local and national projects represents the most efficient way for aid to stimulate and enhance economic and social development for the whole population;

56. Stresses the need to link debt relief measures with additional mobilisation of Official Development Aid (ODA); calls for the inclusion of multilateral and commercial debt in the G20 Debt Service Suspension Initiative (DSSI); stresses the need to secure the participation of all creditors, including the World Bank and other multilateral development banks, as well as private creditors, in the DSSI and any further debt relief offers; calls for the creation of a multilateral debt workout mechanism to address both the impact of the COVID-19 crisis and the financing requirements of Agenda 2030;

57. Draws attention to the particularly important role of training programmes for local staff and field operators in ensuring continuity for the projects supported by the EU in partner countries, thereby increasing ownership and accountability;

58. Stresses the key role of ODA in fulfilling the development effectiveness agenda; underlines that ODA is more flexible, predictable and accountable than other flows potentially contributing to development; warns against the dilution of ODA criteria with the aim of covering expenses other than those directly linked to promoting sustainable development in developing countries;

59. Reiterates its request that the Council and the Member States set out a clear timeline for reaching the target of raising the ODA budget to 0,7 % of GNI, including the international commitment of spending 0,15 to 0,2 % of GNI on ODA to LDCs, and that the Commission present a concrete action plan defining how additional resources will be leveraged towards achieving the SDGs; stresses that the effectiveness of aid is no substitute for adequate aid volumes and that maintaining or exceeding the 0,7 % target for ODA is of great importance; reiterates that the EU budget should make a considerable contribution to increasing EU ODA overall;

60. Reiterates its support for the inclusion in NDICI of the following targets: 20 % for social inclusion and human development; and for at least 85 % of ODA-funded projects, having gender equality and women's and girls' rights and empowerment as a principal or significant objective, as defined by the OECD-DAC.

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61. Calls for greater policy coherence for development, which seeks to ensure that no EU or Member States' policies have negative effects on developing countries or contradictory objectives;
 62. Believes that European development aid and public investments should promote joint priorities and policy objectives including eradicating poverty, climate and environmental action, economic and trade policies and migration management, and should also be fully aligned with the principles of fundamental human rights, democracy and good governance;
 63. Stresses that making humanitarian aid and emergency aid allocation conditional on cooperation with the EU on migration or security issues is not compatible with agreed development effectiveness principles;
 64. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the OECD member states, the European External Action Service, the European Investment Bank, the European Bank for Reconstruction and Development, the World Bank Group, the African Union, the Co-Chairs of the Global Partnership for Effective Development Cooperation, the UN Development Programme, the UN Department of Economic and Social Affairs, the OECD, and the Interparliamentary Union.
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P9_TA(2020)0325

Active substances, including chlorotoluron

European Parliament resolution of 26 November 2020 on Commission Implementing Regulation (EU) 2020/1511 of 16 October 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflurosulfuron and tritosulfuron (2020/2853(RSP))

(2021/C 425/09)

The European Parliament,

- having regard to Commission Implementing Regulation (EU) 2020/1511 of 16 October 2020 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, picloram, prosulfocarb, sulphur, triflurosulfuron and tritosulfuron ⁽¹⁾,
- having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽²⁾, and in particular Article 21 and the first paragraph of Article 17 thereof,
- having regard to Commission Implementing Regulation (EU) 2015/408 of 11 March 2015 on implementing Article 80 (7) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and establishing a list of candidates for substitution ⁽³⁾,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽⁴⁾,
- having regard to its resolution of 13 September 2018 on the implementation of the Plant Protection Products Regulation (EC) No 1107/2009 ⁽⁵⁾,
- having regard to its resolution of 10 October 2019 objecting to the previous extension of the approval period of the active substance chlorotoluron ⁽⁶⁾,
- having regard to Rule 112(2) and (3) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

⁽¹⁾ OJ L 344, 19.10.2020, p. 18.

⁽²⁾ OJ L 309, 24.11.2009, p. 1.

⁽³⁾ OJ L 67, 12.3.2015, p. 18.

⁽⁴⁾ OJ L 55, 28.2.2011, p. 13.

⁽⁵⁾ OJ C 433, 23.12.2019, p. 183.

⁽⁶⁾ European Parliament resolution of 10 October 2019 on the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanatemethyl, triflurosulfuron and tritosulfuron (Texts adopted, P9_TA (2019)0027).

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- A. whereas chlorotoluron was included in Annex I to Council Directive 91/414/EEC ⁽⁷⁾ on 1 March 2006 by Commission Directive 2005/53/EC ⁽⁸⁾ and has been deemed to be approved under Regulation (EC) No 1107/2009;
- B. whereas a procedure to renew the approval of chlorotoluron under Commission Implementing Regulation (EU) No 844/2012 ⁽⁹⁾ has been ongoing since 2013;
- C. whereas the approval period for the active substance chlorotoluron has already been extended by one year by Commission Implementing Regulation (EU) No 533/2013 ⁽¹⁰⁾, and subsequently by one year every year since 2017 by Commission Implementing Regulations (EU) 2017/1511 ⁽¹¹⁾, (EU) 2018/1262 ⁽¹²⁾, (EU) 2019/1589 ⁽¹³⁾ and now again by one year by Implementing Regulation (EU) 2020/1511, which extends the approval period until 31 October 2021;
- D. whereas the Commission has failed to explain the reasons for the extension other than saying: 'Due to the fact that the assessment of those substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision is taken on their renewal';
- E. whereas Regulation (EC) No 1107/2009 aims to ensure a high level of protection of both human and animal health and the environment, and at the same time to safeguard the competitiveness of Union agriculture; whereas particular attention should be paid to the protection of vulnerable groups of the population, including pregnant women, infants and children;
- F. whereas the precautionary principle should apply, and whereas Regulation (EC) No 1107/2009 specifies that substances should only be included in plant protection products where it has been demonstrated that they present a clear benefit for plant production and that they are not expected to have any harmful effect on human or animal health or any unacceptable effects on the environment;
- G. whereas Regulation (EC) No 1107/2009 indicates that in the interest of safety the approval period for active substances should be limited in time; whereas the approval period should be proportionate to the possible risks inherent in the use of such substances, but in this case it is clear that no such proportionality exists;
- H. whereas in the 14 years since its approval as an active substance, chlorotoluron has been identified as a probable endocrine disruptor, and yet during this time its approval has not been reviewed or withdrawn;

⁽⁷⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁸⁾ Commission Directive 2005/53/EC of 16 September 2005 amending Council Directive 91/414/EEC to include chlorothalonil, chlorotoluron, cypermethrin, daminozide and thiophanate-methyl as active substances (OJ L 241, 17.9.2005, p. 51).

⁽⁹⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽¹⁰⁾ Commission Implementing Regulation (EU) No 533/2013 of 10 June 2013 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methyl-cyclopropene, chlorothalonil, chlorotoluron, cypermethrin, daminozide, forchlorfenuron, indoxacarb, thiophanate-methyl and tribenuron (OJ L 159, 11.6.2013, p. 9).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2017/1511 of 30 August 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methylcyclopropene, beta-cyfluthrin, chlorothalonil, chlorotoluron, cypermethrin, daminozide, deltamethrin, dimethenamid-p, flufenacet, flurtamone, forchlorfenuron, fosthiazate, indoxacarb, iprodione, MCPA, MCPB, silthiofam, thiophanate-methyl and tribenuron (OJ L 224, 31.8.2017, p. 115).

⁽¹²⁾ Commission Implementing Regulation (EU) 2018/1262 of 20 September 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 1-methylcyclopropene, beta-cyfluthrin, chlorothalonil, chlorotoluron, clomazone, cypermethrin, daminozide, deltamethrin, dimethenamid-p, diuron, fludioxonil, flufenacet, flurtamone, fosthiazate, indoxacarb, MCPA, MCPB, prosulfocarb, thiophanate-methyl and tribenuron (OJ L 238, 21.9.2018, p. 62).

⁽¹³⁾ Commission Implementing Regulation (EU) 2019/1589 of 26 September 2019 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifenox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflurosulfuron and tritosulfuron (OJ L 248, 27.9.2019, p. 24).

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- I. whereas the Commission and Member States have the possibility and responsibility to act according to the precautionary principle when the possibility of harmful effects on health have been identified but scientific uncertainty persists, by adopting provisional risk management measures that are necessary to ensure a high level of protection of human health;
- J. whereas, more specifically, Article 21 of Regulation (EC) No 1107/2009 provides that the Commission may review the approval of an active substance at any time, especially where, in the light of new scientific and technical knowledge, it considers that there are indications that the substance no longer satisfies the approval criteria provided for in Article 4 of that Regulation, and whereas this review may lead to the withdrawal or amendment of the approval of the substance;

Endocrine-disrupting properties

- K. whereas, according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽¹⁴⁾, chlorotoluron has a harmonised classification of very toxic to aquatic life, very toxic to aquatic life with long lasting effects, suspected of causing cancer (Carc. 2), and suspected of damaging the unborn child (Repr. 2);
- L. whereas chlorotoluron has been associated with endocrine-disrupting properties in scientific publications ⁽¹⁵⁾;
- M. whereas in 2015 chlorotoluron was placed on the 'list of candidates for substitution' by Implementing Regulation (EU) 2015/408 because it is considered to have endocrine-disrupting properties that may cause adverse effects in humans, and because it meets the criteria for it to be considered a persistent and toxic substance;
- N. whereas, according to point 3.6.5 of Annex II to Regulation (EC) No 1107/2009, active substances cannot be authorised when they are considered to have endocrine-disrupting properties that may cause adverse effect in humans, unless human exposure to that active substance, safener or synergist in a plant protection product, under realistic proposed conditions of use, is negligible, that is, the product is used in closed systems or in other conditions excluding contact with humans and where residues of the active substance, safener or synergist concerned on food and feed do not exceed the default value set in accordance with point (b) of Article 18(1) of Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽¹⁶⁾;
- O. whereas it is unacceptable for a substance which is likely to meet the cut-off criteria for active substances that have endocrine-disrupting properties to continue to be allowed for use in the Union, thereby putting public and environmental health at risk;
- P. whereas applicants can take advantage of the automatic system built into Commission working methods which immediately extends the approval periods of active substances if the risk reassessment has not been finalised, by prolonging the reassessment process on purpose by providing incomplete data and asking for more derogations and special conditions, which leads to unacceptable risks for the environment and human health since during this time exposure to the hazardous substance continues;
- Q. whereas in its resolution of 13 September 2018 on the implementation of the Plant Products Regulation (EC) No 1107/2009 ⁽¹⁷⁾ Parliament called on the Commission and Member States 'to ensure that the procedural extension of the approval period for the duration of the procedure, pursuant to Article 17 of the Regulation, will not be used for active substances that are mutagenic, carcinogenic, toxic for reproduction and therefore in category 1A or 1B, or active substances that have endocrine disrupting characteristics and are damaging to humans or animals, as is currently the case for substances such as flumioxazine, thiacloprid, chlorotoluron and dimoxystrobin';

⁽¹⁴⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽¹⁵⁾ See inter alia: Hong, M., Ping, Z., Jian, X., 'Testicular toxicity and mechanisms of chlorotoluron compounds in the mouse', *Toxicology Mechanisms and Methods* 2007; 17(8):483-8.

⁽¹⁶⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

⁽¹⁷⁾ OJ C 433, 23.12.2019, p. 183.

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- R. whereas Parliament has already objected to the previous extension of the approval period of chlorotoluron in its resolution of 10 October 2019 ⁽¹⁸⁾;
- S. whereas the Commission in its response ⁽¹⁹⁾ to the previous objection to the extension of the approval period of chlorotoluron only refers to the 'study underpinning the impact assessment conducted prior to the adoption of Commission Regulation (EU) 2018/605' ⁽²⁰⁾ in which 'chlorotoluron was not identified as a potential endocrine disruptor', but fails to acknowledge that that study did not lead to the removal of chlorotoluron from the list of candidates for substitution;
- T. whereas after the adoption of Commission Delegated Regulation (EU) 2017/2100 ⁽²¹⁾ and Regulation (EU) 2018/605, the Commission tasked the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA) with developing harmonised guidance to ensure that the endocrine disruptor criteria adopted by the Union are applied consistently for the assessment of biocides and pesticides in the Union; whereas this guidance which incorporates new OECD tests was published in June 2018 ⁽²²⁾, but has not been used to assess the endocrine-disrupting properties of chlorotoluron;
- U. whereas therefore, chlorotoluron has not been properly assessed to allow for it to be no longer considered as an endocrine disrupter;
- V. whereas the draft renewal assessment report in relation to chlorotoluron has not yet been assessed by EFSA;
- W. whereas following the previous extension in 2019 of several active substances, including chlorotoluron, under Implementing Regulation (EU) 2019/1589, only three of the 29 substances have been either renewed or non-renewed, while under Implementing Regulation (EU) 2020/1511, the approval periods of 27 substances have been extended again, many of them for a third or fourth time;
1. Considers that Implementing Regulation (EU) 2020/1511 exceeds the implementing powers provided for in Regulation (EC) No 1107/2009;
 2. Considers that Implementing Regulation (EU) 2020/1511 does not respect the precautionary principle;
 3. Considers that the decision to extend the approval period for chlorotoluron is not in line with the safety criteria laid down in Regulation (EC) No 1107/2009, and is based neither on evidence that this substance can safely be used, nor on a proven urgent need for the active substance chlorotoluron in food production in the Union;
 4. Calls on the Commission to repeal Implementing Regulation (EU) 2020/1511 and to submit a new draft to the committee that takes into account the scientific evidence on the harmful properties of all the substances concerned, especially of chlorotoluron;
 5. Calls on the Commission only to present draft implementing regulations to extend the approval periods of substances for which the current state of science is not expected to lead to a Commission proposal for non-renewal of the authorisation of the active substance concerned;

⁽¹⁸⁾ Texts adopted, P9_TA(2019)0027.

⁽¹⁹⁾ Commission follow up to the European Parliament non-legislative resolution on the draft Commission implementing regulation amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifentox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflusaluron and tritosulfuron, SP (2019)669, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2826\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2826(RSP)&l=en)

⁽²⁰⁾ Commission Regulation (EU) 2018/605 of 19 April 2018 amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties (OJ L 101, 20.4.2018, p. 33).

⁽²¹⁾ Commission Delegated Regulation (EU) 2017/2100 of 4 September 2017 setting out scientific criteria for the determination of endocrine-disrupting properties pursuant to Regulation (EU) No 528/2012 of the European Parliament and Council (OJ L 301, 17.11.2017, p. 1).

⁽²²⁾ EFSA and ECHA Guidance for the identification of endocrine disruptors in the context of Regulations (EU) No 528/2012 and (EC) No 1107/2009, EFSA Journal 2018, 16(6):5311, <http://www.efsa.europa.eu/en/efsajournal/pub/5311>

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6. Calls on the Commission to withdraw the approvals for substances if proof or reasonable doubt exists that they will not meet the safety criteria laid down in Regulation (EC) No 1107/2009;
 7. Calls on the Member States to ensure the proper and timely reassessment of the authorisations for the active substances for which they are the reporting Member States, and to ensure that current delays are solved effectively as soon as possible;
 8. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P9_TA(2020)0326

Carbendazim for use in certain biocidal products

European Parliament resolution of 26 November 2020 on the draft Commission implementing regulation approving carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10 (D069099/01 — 2020/2852(RSP))

(2021/C 425/10)

The European Parliament,

- having regard to the draft Commission implementing regulation approving carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10 (D069099/01,
 - having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾,
 - having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽²⁾, and in particular the third subparagraph of Article 89(1) thereof,
 - having regard to Article 11 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽³⁾,
 - having regard to Rule 112(2) and (3) of its Rules of Procedure,
 - having regard to the motion for resolution of the Committee on the Environment, Public Health and Food Safety,
- A. whereas the draft Commission implementing regulation seeks to approve carbendazim as an existing active substance for use in biocidal products of product-type 7 (film preservatives) and product-type 10 (masonry preservatives), for a period of three years;
- B. whereas the Commission has committed to a zero-pollution ambition to attain a toxic-free environment to help protecting citizens and the environment better against hazardous chemicals and encourage innovation for the development of safe and sustainable alternatives;
- C. whereas the assessment reports and the conclusions of the Rapporteur Member State in relation to carbendazim were submitted to the Commission on 2 August 2013; whereas it can be derived from Article 90(2) of Regulation (EU) No 528/2012 that substances for which the Member States' evaluation has been completed by 1 September 2013 should be evaluated in accordance with the provisions of Directive 98/8/EC;
- D. whereas the hazardous properties of carbendazim were already known in 2013 when the assessment reports were submitted by the Rapporteur Member State; whereas seven years have passed between the submission of the assessment reports and the draft Commission implementing regulation;

Legal arguments

Unacceptable risk to the environment

- E. whereas the approval of carbendazim for use in product-types 7 and 10 could lead to unacceptable risks to the environment and human health in contravention of Directive 98/8/EC;

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 167, 27.6.2012, p. 1.

⁽³⁾ OJ L 55, 28.2.2011, p. 13.

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- F. whereas carbendazim meets the criteria for classification as mutagen category 1B and reproductive toxicant category 1B in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁴⁾ and two of the persistent, bio-accumulative and toxic (PBT) criteria (P and T);
- G. whereas concerns have also been raised in multiple studies regarding the endocrine-disrupting potential of carbendazim ⁽⁵⁾; whereas according to opinions of the Biocidal Products Committee (BPC) on carbendazim for all product-types 7, 9 and 10 ⁽⁶⁾, no conclusion could be drawn regarding the endocrine-disrupting properties; whereas it is very concerning that the Commission continues to disregard the precautionary principle by proposing to authorise active substances as a result of inconclusive assessments of their endocrine-disrupting properties based on available data; whereas being unable to conclude on endocrine-disrupting properties of a substance based on limited data availability is not equivalent to concluding that that substance has no endocrine-disrupting properties;
- H. whereas although the assessment reports in relation to carbendazim were submitted before 1 September 2013, meaning that 'though carbendazim fulfils Article 5(1)(b) and (c) of Regulation (EU) No 528/2012, Article 5(2) of Regulation (EU) No 528/2012 is not of relevance for the approval decision' ⁽⁷⁾, the fact that carbendazim has known hazardous properties of very high concern is still highly relevant and was not sufficiently taken into account in the implementation of Directive 98/8/EC, considering Article 10 read in conjunction with Article 5(1)(b) of that Directive;
- I. whereas the use of carbendazim in product-types 7 and 10 in the treatment of outdoor paints for facades to avoid fungal and algal growth poses a high risk of water pollution due to the run-off of those biocides from the facades of buildings each time it rains;
- J. whereas a study ⁽⁸⁾ has concluded that, in Germany, carbendazim was found in more than 90 % of the samples from rainwater clarifiers and in more than 50 % of samples from storm water overflow basins, which release untreated rainwater into water bodies or leach into groundwater;
- K. whereas the BPC opinion for product-type 9 (fibre, leather, rubber and polymerised materials preservatives) concluded that carbendazim was not approved for the very reason that leaching of carbendazim from treated surfaces with rainwater results in unacceptable risks in the surface water and sediment compartments and that no adequate risk management measure is available;

⁽⁴⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽⁵⁾ Morinaga, H. et al., 'A Benzimidazole Fungicide, Benomyl, and Its Metabolite, Carbendazim, Induce Aromatase Activity in a Human Ovarian Granulosa-Like Tumor Cell Line (KGN)', *Endocrinology* 2004, 145(4):1860–1869; Kim, D.-J. et al., 'Benomyl induction of brain aromatase and toxic effects in the zebrafish embryo', *Journal of Applied Toxicology* 2009, 29:289–294; Goldman, J.M. et al., 'Effects of the benomyl metabolite, carbendazim, on the hypothalamic-pituitary reproductive axis in the male rat', *Toxicology* 1989, 57(2): 173–182; Jiang, J. et al., 'Carbendazim has the potential to induce oxidative stress, apoptosis, immunotoxicity and endocrine disruption during zebrafish larvae development', *Toxicology in Vitro* 2015, 29(7):1473–1481; Singh, S., Singh, N., Kumar, V. et al., 'Toxicity, monitoring and biodegradation of the fungicide carbendazim', *Environmental Chemistry Letters* 2016, 14: 317–329; Jin, C., Zeng, Z., Wang, C., Luo, T., Wang, S., Zhou, J., Ni, Y., Fu, Z., Jin, Y., 'Insights into a Possible Mechanism Underlying the Connection of Carbendazim-Induced Lipid Metabolism Disorder and Gut Microbiota Dysbiosis in Mice', *Toxicological Sciences* 2018, 166(2): 382–393; Durand, P., Martin, G., Blondet, A., Gilleron, J., Carette, D., Janczarski, S., Christin, E., Pointis, G., Perrard, M.H., 'Effects of low doses of carbendazim or iprodione either separately or in mixture on the pubertal rat seminiferous epithelium: An ex vivo study', *Toxicology In Vitro* 2017, 45(3):366–373; Jin, Y., Zeng, Z., Wu, Y., Zhang, S., Fu, Z., 'Oral Exposure of Mice to Carbendazim Induces Hepatic Lipid Metabolism Disorder and Gut Microbiota Dysbiosis', *Toxicological Sciences* 2015, 147(1):116–26; Rama, E.M., Bortolan, S., Vieira, M.L., Gerardin, D.C., Moreira, E.G., 'Reproductive and possible hormonal effects of carbendazim', *Regulatory Toxicology and Pharmacology* 2014, 69(3):476–486.

⁽⁶⁾ BPC opinion of 10 December 2019 on the application for approval of the active substance: Carbendazim, Product type: 7; BPC opinion of 27 February 2019 on the application for approval of the active substance: Carbendazim, Product type: 9; BPC opinion of 10 December 2019 on the application for approval of the active substance: Carbendazim, Product type: 10; https://echa.europa.eu/regulations/biocidal-products-regulation/approval-of-active-substances/bpc-opinions-on-active-substance-approval?diss=true&search_criteria_ecnumber=234-232-0&search_criteria_casnumber=10605-21-7&search_criteria_name=Carbendazim

⁽⁷⁾ BPC opinions for product-types 7 and 10, p. 14.

⁽⁸⁾ https://www.umweltbundesamt.de/sites/default/files/medien/479/publikationen/texte_169-2020_belastung_der_umwelt_mit_bioziden_realistischer_erfassen_-_schwerpunkt_eintraege_ueber_klaeranlagen.pdf

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- L. whereas the BPC opinions for product-types 7 and 10 concluded that the outdoor uses of carbendazim, including paints (product-type 7) and plasters (product-type 10), pose an unacceptable risk in the surface water and sediment compartments since no adequate risk mitigation measure is available to avoid releases in the sewer over the service lifetime (five years for product-type 7 and 25 years for product-type 10) of treated articles;
- M. whereas the approval of carbendazim for use in product-types 7 and 10, even for a short period of three years, would therefore result in direct discharge of carbendazim in the environment through rainwater for a period of up to 25 years;
- N. whereas Sweden stated in its minority opinion to BPC that leaching during the in-service life of applied products and treated articles (e.g. paints and plaster) for all outdoor uses poses unacceptable risks to the environment, and that this risk could not be mitigated according to the assessment report;
- O. whereas the fact that the BPC opinions conclude that the use of carbendazim in, respectively, product-types 7, 9 and 10 present the same unacceptable risks should have led to a decision not to approve carbendazim for all of these outdoor uses, and not only for product-type 9;
- P. whereas indoor uses of carbendazim may also present unacceptable risks, because studies ⁽⁹⁾ have raised concerns that the occurrence of carbendazim in surface water comes mainly from the discharge of treated domestic and industrial wastewater, despite the BPC opinions' conclusion that the risks to the environment from indoor uses of carbendazim are acceptable;

Approval conditions failing to mitigate the risks

- Q. whereas, in view of the risks to the environment identified for the uses assessed, according to the draft Commission implementing regulation, carbendazim may be approved provided that certain specifications and conditions concerning its use are complied with, in particular that the product assessment shall 'pay particular attention' to surface water, sediment, soil and groundwater for products used in paints or plasters which are intended to be used outdoors;
- R. whereas, the BPC opinions for product-types 7 and 10 both point out unacceptable risks in the surface water and sediment compartments, and indicate that, for the uses assessed, no adequate risk management measure to avoid releases in the sewer is available;
- S. whereas the Commission's call for 'specifications and conditions' attached to the authorisation is extremely vague and does not suffice to alleviate the concerns of unacceptable risks; whereas the draft Commission implementing regulation does not require Member States to prescribe adequate risk mitigation measures, but simply to pay attention to risks; whereas the draft Commission implementing regulation does not take into account the fact that the supporting documents concluded that there are no adequate risk management measures available;

Coherence between the risk management decision and scientific evidence relied upon

- T. whereas, and as confirmed by the Court of Justice of the European Union ('the Court'), when adopting a risk management measure, the decision made by the Commission must be coherent with the scientific evidence relied upon; whereas the Commission may disregard a scientific opinion delivered during the decision-making process, but it must then provide specific reasons for its findings, of equivalent scientific value, by comparison with those made in the opinion; whereas its statement of reasons must explain why it is disregarding the opinion ⁽¹⁰⁾;
- U. whereas the decision to approve carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10 significantly contradicts the conclusion of the BPC opinions that outdoor uses of carbendazim in paints (product-type 7) and plasters (product-type 10) pose unacceptable risks in the surface water and sediment compartments considering Article 10 of Directive 98/8/EC read in conjunction with Article 5(1)(b) of that Directive;

⁽⁹⁾ Merel, S., Benzing, S., Gleiser, C., Di Napoli-Davis, G., Zwiener, C., 'Occurrence and overlooked sources of the biocide carbendazim in wastewater and surface water', *Environmental Pollution* 2018, 239:512-521.

⁽¹⁰⁾ See Case T-837/16, *Sweden v. Commission*, ECLI:EU:T:2019:144, paragraph 69.

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- V. whereas the reasons to depart from the conclusion of the BPC opinions that the Commission provides in its draft implementing regulation are limited to the arguments that the full authorisation of biocidal products requires an additional step at Member State level and that the review under Regulation (EU) No 528/2012 will be carried out soon;
- W. whereas those reasons do not explain why the Commission considered that carbendazim does not present an unacceptable risk for uses in product-types 7 and 10 under Directive 98/8/EC, in particular given that the use of the same active substance in product-type 9 was considered to present an unacceptable risk, which led to the decision not to grant authorisation for that product-type;
- X. whereas a statement of the reasons for departing from the conclusions of the BPC opinions is not only indispensable for the control of the Court, but also more specifically for Parliament to be able to exercise its power of scrutiny properly;

Consideration of available alternatives

- Y. whereas according to the BPC opinion for product-type 7, carbendazim is intended to be used as a fungicide in biocidal film preservative products that are applied to, or incorporated into, end-applications like paints; whereas according to the BPC opinion for product-type 10, carbendazim is to be used as a fungicide in construction material preservatives that are applied to, or incorporated into, end-products like plasters;
- Z. whereas the Commission concluded that no suitable alternatives to carbendazim are available based only on eleven non-confidential contributions from third parties, all of them companies or industrial associations, and dating back to 2014; whereas, if other information is available to support the decision of the Commission, it should be made available to Parliament to enable it to exercise fully its power of scrutiny;
- AA. whereas, according to the BPC opinions, most contributions did not differentiate between the uses of carbendazim in product-types 7, 9 and 10, thereby not allowing the Commission to assess properly the availability of alternatives for each of the separate product-types and uses;
- AB. whereas the information provided in the contributions is far from being sufficiently detailed and up-to-date to conclude that there is an absence of suitable alternatives to carbendazim for use in biocidal products of product-types 7 and 10;
- AC. whereas, in particular for product-type 7, contributors declared that a replacement of carbendazim in paints is technically possible, although they deemed it too time-consuming and too costly;
- AD. whereas, in particular for product-type 10, contributors declared that a replacement of carbendazim in paints is technically possible, although they deemed it too time-consuming and too costly; whereas, according to the BPC opinion, due to the very low number of approved active substances for that product-type, information available for the BPC is currently not sufficient to decide whether there is any other active substance that could provide an alternative to the use of carbendazim as a preservative in plasters characterised by a high pH value;
- AE. whereas most of the contributions submitted to the Commission in 2014 concluded that finding alternatives to carbendazim for product-types 7 and 10, although not without difficulties, was possible;
- AF. whereas applicants have had seven years to investigate potential alternatives to carbendazim, of which harmful properties are well known;
- AG. whereas the Commission, therefore, has failed to uphold its duty of considering the availability of suitable alternative substances in accordance with Article 10(5) of Directive 98/8/EC; whereas no explanation have been provided to specify in detail on which basis the Commission concluded that suitable and sufficient alternative substances were unavailable; whereas such details are of great importance for the outcome of the present authorisation considering the toxicological profile of the substance;
- AH. whereas uses of carbendazim in product-type 9 were not granted approval; whereas none of the information received and referred to in the BPC opinion was specific for product-type 9; whereas the same concerns were raised by third party contributors regarding the limited number of alternatives available as well as the time and costs necessary to develop an alternative with an equivalent level of effectiveness to carbendazim for product-type 9 as for product-types 7 and 10;

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- AI. whereas, according to the BPC opinions for both product-types 7 and 10, contributors have pointed out that it is difficult to assess the availability of alternatives, given that many of them still have to be reviewed under Regulation (EU) No 528/2012; whereas it is unacceptable that the delay in the delivery of the review programme should serve as a justification to hinder the protection of human health and the environment;

Political arguments

- AJ. whereas it is unacceptable that the Commission decides to postpone the non-approval of substances that present an unacceptable risk to human health and the environment, with the mere justification that Regulation (EU) No 528/2012 will help making such non-approval more systematic through future reviews;

- AK. whereas the draft Commission implementing regulation provides that pursuant to point 10 of Annex VI to Regulation (EU) No 528/2012, the competent authorities of the Member States should evaluate whether the conditions of Article 5(2) of that Regulation can be satisfied in their territories in order to decide whether a biocidal product containing carbendazim can be authorised;

- AL. whereas the Commission should not be delegating the responsibility for refusing the marketing of biocidal products containing carbendazim to Member States, based on the argument that the information received during the public consultation for potential candidates for substitution is of low quality;

- AM. whereas, as proposed by the Commission, only a label providing limited information will be required to appear on treated articles and that label will not be subject to regulatory scrutiny before the article is placed on the market and traded between Member States; whereas, since no product authorisation is necessary, there will be no evaluation of whether the efficacy of the product matches the label claims;

- AN. whereas this situation does not provide a high enough level of protection of human health and the environment, and also does not provide a level playing field for Union and non-Union companies;

1. Considers that the draft Commission implementing regulation is not consistent with Union law, in that it is not compatible with the aim and content of Directive 98/8/EC or Regulation (EU) No 528/2012;

2. Considers, in view of

- (a) the hazardous properties of carbendazim,
- (b) its environmental fate, as well as the lack of risk management measures stated in the supporting documents,
- (c) the lack of data to decisively conclude on the absence of suitable alternatives,
- (d) the seven-year period that has passed since the submission of the assessment reports, and
- (e) the lack of coherence between the Commission decisions on the uses of carbendazim in product-types 7, 9 and 10,

that the draft Commission implementing regulation to approve carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10, even for a short period of three years, is not proportionate in light of the unacceptable risks it poses to human health and the environment, and should have lead the Commission to the conclusion of unacceptable risks, as the use of carbendazim in a product still gives rise to concerns;

3. Considers that the information provided by the Commission in its draft implementing regulation is insufficient for Parliament to be able to exercise its power of scrutiny properly;

4. Calls on the Commission to withdraw its draft implementing regulation and to submit a new draft to the committee, proposing not to approve carbendazim as an active substance for use in biocidal products of product-types 7 and 10;

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5. Reiterates that, although the assessment reports were submitted before 1 September 2013, authorising a substance classified as mutagenic 1B, toxic for reproduction 1B, and with potential endocrine-disrupting properties poses unacceptable risks to human health in relation to uses such as those considered;
 6. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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P9_TA(2020)0327

Stocktaking of European elections

European Parliament resolution of 26 November 2020 on stocktaking of European elections (2020/2088(INI))

(2021/C 425/11)

The European Parliament,

- having regard to the Treaty on European Union (TEU), and in particular Articles 10, 14 and 17(7) thereof,
- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 20 and 22 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 21, 39 and 52(1) thereof,
- having regard to the Declaration on Article 17(6) and (7) of the Treaty on European Union annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon,
- having regard to the Universal Declaration of Human Rights, and in particular Article 21 thereof,
- having regard to the International Covenant on Civil and Political Rights, and in particular Article 25 thereof,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), and in particular Article 29 thereof,
- having regard to the European Pillar of Social Rights, and in particular its principle 1,
- having regard to Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 ⁽¹⁾,
- having regard to European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament ⁽²⁾,
- having regard to Council Decision (EU, Euratom) 2018/767 of 22 May 2018 fixing the period for the ninth election of representatives to the European Parliament by direct universal suffrage ⁽³⁾,
- having regard to Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council of 3 May 2018 amending Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and European political foundations ⁽⁴⁾,
- having regard to Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council of 25 March 2019 amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament ⁽⁵⁾,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission, as amended ⁽⁶⁾,

⁽¹⁾ OJ L 178, 16.7.2018, p. 1.

⁽²⁾ OJ L 165 I, 2.7.2018, p. 1.

⁽³⁾ OJ L 129, 25.5.2018, p. 76.

⁽⁴⁾ OJ L 114 I, 4.5.2018, p. 1.

⁽⁵⁾ OJ L 85 I, 27.3.2019, p. 7.

⁽⁶⁾ OJ L 304, 20.11.2010, p. 47.

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- having regard to its resolution of 11 November 2015 on the reform of the electoral law of the European Union ⁽⁷⁾,
 - having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty ⁽⁸⁾,
 - having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union ⁽⁹⁾,
 - having regard to its resolution of 18 April 2018 on the draft Council decision fixing the period for the ninth election of representatives to the European Parliament by direct universal suffrage ⁽¹⁰⁾,
 - having regard to its resolution of 7 February 2018 on the composition of the European Parliament ⁽¹¹⁾,
 - having regard to its decision of 16 July 2019 on the election of the President of the Commission ⁽¹²⁾,
 - having regard to its resolution of 10 October 2019 on foreign electoral interference and disinformation in national and European democratic processes ⁽¹³⁾,
 - having regard to its resolution of 13 February 2019 on the state of the debate on the Future of Europe ⁽¹⁴⁾,
 - having regard to its 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 ⁽¹⁵⁾,
 - having regard to the European Economic and Social Committee (EESC) information report of 20 March 2019 on the real rights of persons with disabilities to vote in European Parliament elections,
 - having regard to the work of the Inter-Parliamentary Union (IPU) on gender equality, in particular its Plan of Action for Gender-sensitive Parliaments,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0211/2020),
- A. whereas the 2019 European elections registered the highest turnout of any elections to the European Parliament in the last 20 years, with 50,66 %, (an increase of eight percentage points compared to 2014), sending a positive signal that European citizens are taking an increasing interest in developments at EU level and that they believe that EU legislation has an impact on their daily lives; whereas, however, that figure masks wide disparities between the Member States, the abstention rate remained high and more must therefore be done to increase participation in European elections;
- B. whereas the results of the Eurobarometer survey commissioned by Parliament after the 2019 European elections show that the state of the economy and the environment were the two main priorities for voters, which clearly indicates that citizens who took part in the European elections wish for more action at EU level in these two policy fields, for which competence is shared between the EU and national authorities ⁽¹⁶⁾;

⁽⁷⁾ OJ C 366, 27.10.2017, p. 7.

⁽⁸⁾ OJ C 252, 18.7.2018, p. 215.

⁽⁹⁾ OJ C 252, 18.7.2018, p. 201.

⁽¹⁰⁾ OJ C 390, 18.11.2019, p. 170.

⁽¹¹⁾ OJ C 463, 21.12.2018, p. 83.

⁽¹²⁾ Texts adopted, P9_TA(2019)0002.

⁽¹³⁾ Texts adopted, P9_TA(2019)0031.

⁽¹⁴⁾ Texts adopted, P8_TA(2019)0098.

⁽¹⁵⁾ Texts adopted, P9_TA(2020)0161.

⁽¹⁶⁾ Eurobarometer 91.5, 'The 2019 Post-Electoral Survey — Have European Elections Entered a New Dimension?', European Parliament, September 2019.

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- C. whereas the right choice of electoral system creates the right environment for citizens to believe in their basic democratic right to vote for their democratic representatives and, at the same time, for political representatives to listen to their voters and represent their interests, and as such creates self-efficacy among citizens;
- D. whereas according to the Eurobarometer survey, the higher turnout was in part due to the increased participation of young people, although people in the over-40 age group are still much more likely to vote; whereas more than 50 % of young people voted out of a sense of civic duty and in response to the climate emergency;
- E. whereas the relentless engagement of civil society played a crucial role in pro-European discourse ahead of the European elections;
- F. whereas the higher turnout was also linked to gains by pro-European parties receiving votes from younger generations, which added to the pro-European majority in the European Parliament, but the results of Eurosceptics, populists and nationalist movements, which threaten the EU integration project, should be taken as a warning;
- G. whereas the higher turnout is also a sign that EU citizens want the EU to act swiftly, democratically and effectively on important matters such as employment, the cost of living, social dumping, climate change, migration, the protection of fundamental rights and democratisation;
- H. whereas we need to be more efficient and proactive in taking advantage of all means of communication, including digital technology, to foster a strong link between political decisions taken at EU level and constituents' sense of connection to EU institutions;
- I. whereas while gender equality among Members of the European Parliament has improved (41 % women in 2019, up from 37 % in 2014), a gender-balanced Parliament has not yet been reached; whereas these figures mask significant differences between Member States and the many challenges still to be overcome if gender parity is to be achieved;
- J. whereas Ursula von der Leyen is the first female President of the European Commission; whereas 13 of her Commissioners are women, representing the largest share of female Commissioners in history;
- K. whereas Europe's diverse and multicultural society needs to be better represented in the European Parliament;
- L. whereas 15 Member States still restrict voting rights for people with disabilities, thus preventing the meaningful participation and representation of these citizens in democratic processes; whereas as a result of national rules, an estimated 800 000 EU citizens were not able to exercise their right to vote in the last European elections because of their disabilities or mental health problems;
- M. whereas demographic change and the ageing of our societies are factors which will increase the number of people resident in long-term care establishments and hospitals; whereas the wider use of the specific, formal arrangements made for such people in many Member States should be encouraged;
- N. whereas the deadline for registering on the electoral roll varies greatly from one Member State to another, ranging from 90 days to 3 days prior to elections; whereas the EESC information report on the real rights of persons with disabilities to vote in European elections recommends that electoral rolls be closed at the earliest two weeks before elections are held;
- O. whereas according to a joint report drawn up by the European Federation of National Organisations Working with the Homeless (FEANTSA) and the Fondation Abbé-Pierre⁽¹⁷⁾, there are at least 700 000 homeless people in the EU and almost 9 million households live in severely inadequate housing; whereas that figure has increased by 70 % in the space of 10 years; whereas it is very difficult for homeless people to vote;

⁽¹⁷⁾ FEANTSA and Fondation Abbé-Pierre, 'Fifth Overview of Housing Exclusion in Europe 2020', July 2020.

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- P. whereas the reform of the Electoral Act of 1976, as adopted by the European Parliament in its legislative resolution of 4 July 2018 on the draft Council decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 ⁽¹⁸⁾, is still not fully ratified by three Member States;
- Q. whereas Parliament should pursue its proposals for amendments to the Electoral Act, still pending ratification by some Member States, with renewed vigour and push for unified European electoral rules;
- R. whereas the outcome of the 2019 European elections has led to the emergence of a new parliamentary majority composed of different political groups with a clear pro-European identity;
- S. whereas the 2019 elections failed to culminate in the choice of a Commission President from among the various Spitzenkandidaten as a result of the Council's opposition, which resulted in reduced trust in the process; whereas the election of the Commission President depends on securing the support of the majority of Members of the European Parliament; whereas only some of the EU citizens who took part in the European elections believed that their vote could make a difference when it came to the election of the President of the Commission, highlighting the need to raise awareness of the process among EU citizens;
- T. whereas the Spitzenkandidaten process has yet to be fully developed; whereas it lacks, among other things, the possibility for Spitzenkandidaten to stand as official candidates, which would enable all European voters to vote for their preferred Spitzenkandidat and to be aware of who the candidates to the presidency of the Commission are and how they were chosen by European political parties; whereas Parliament raised this issue in its decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission ⁽¹⁹⁾;
- U. whereas the Spitzenkandidaten system needs to be reformed as a matter of urgency through in-depth reflection at the Conference on the Future of Europe, by taking into account the proportional nature of the European electoral system, and must be ready to be applied at the next European elections in 2024; whereas this reflection should also include the de facto political role of the Commission and its President and any related changes to the decision-making process of the Union;
- V. whereas the fact that only 8 % of survey respondents said that they voted in the last elections in order to influence the choice of the next Commission President ⁽²⁰⁾ underlines that the process of the selection of the President of the Commission needs to be clarified as a matter of urgency and to be made more transparent to voters;
- W. whereas institutional proposals such as transnational lists, as mentioned by Parliament in its resolution of 7 February 2018 on the composition of the European Parliament, placing European political parties and movements more at the centre of the European elections, the transformation of the Council into a second legislative chamber of the Union, as proposed in its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union, or the introduction of the possibility for European political parties and movements to form pre-electoral coalitions could help to transform the European elections into a single European election, as opposed to the collection of 27 separate national elections that it is today;
- X. whereas the process of the examination of the declarations of interests and the hearings of the Commissioners-designate by the European Parliament was an important step in increasing the Commission's accountability to Parliament and the public in general; whereas this process can and should be further improved in the future;
- Y. whereas democratic processes at both Member State and EU levels have been targeted by foreign powers, sometimes in connection with internal actors, in order to influence the outcome of elections and weaken the Union; whereas the mechanisms put in place by the EU institutions, such as the Code of Practice against Disinformation and the Rapid Alert System for elections, contributed to the mitigation of foreign interference during the election campaign;

⁽¹⁸⁾ OJ C 118, 8.4.2020, p. 246.

⁽¹⁹⁾ OJ C 463, 21.12.2018, p. 89.

⁽²⁰⁾ Eurobarometer 91.5, September 2019.

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- Z. whereas the Commission's requests to social media platforms ahead of the elections created confusion and had unintended consequences such as the ban on Europe-wide political advertisements, which is one of the main instruments for European political parties to be identified and recognised by voters during European election campaigns; whereas especially on that matter, the institutions should develop an interinstitutional approach in order to have a positive impact on the security and stability of the electoral process; whereas the Code of Practice is purely voluntary and focuses on transparency rather than actual limits such as on targeted political advertisements;
- AA. whereas European political parties and foundations are the facilitators of successful European political debate, both during and beyond European elections, and should be rendered more visible; whereas, by virtue of this important role, European political parties and political foundations should ensure maximum financial transparency on the funds they manage, particularly on funds from the EU budget;
- AB. whereas European political parties face various restrictions to campaigning during European elections, including the limited possibility for campaign financing and shared activities with their national member parties, and are prohibited from campaigning in national referendums on European matters;
- AC. whereas the emergence of new political parties and movements ahead of the European elections has shown citizens' interest in political innovation;
- AD. whereas diverging national rules for establishing parties and accessing the European elections remain a significant obstacle to political innovation and to creating true pan-European political debate;
- AE. whereas it has been reported that due to the organisation of voter registration in the UK, around a million European citizens were deprived of the possibility to exercise their right to vote in the European elections;
1. Welcomes the higher turnout in the 2019 European elections, which demonstrates that the trend of decreasing voter turnout in Europe can be reversed, but at the same time expresses disappointment at the continuing high abstention rate and that across the EU almost half of all eligible voters did not cast a vote; recognises the important role of campaigns led by the EU institutions and civil society organisations to increase turnout, in particular Parliament's 'This Time I'm Voting' campaign; stresses that more actions need to be undertaken at local, regional, national and European level to incentivise voters to participate in European elections; considers that this higher turnout shows that an increasing proportion of citizens consider the EU to be the appropriate level at which to address the challenges of our time such as the economy and sustainable growth, climate change and environmental protection, social and gender inequalities, the digital revolution, the promotion of freedom, human rights and democracy, and demography, and geopolitical concerns such as migration and foreign policy, security and the role of the EU in the world; calls for all the EU institutions, therefore, to take responsibility and act upon the mandate they have been given, directly or indirectly, by the citizens;
2. Is confident that the trend of growing voter turnout can be repeated if the connection and accountability between voters and candidates are strengthened and EU-wide challenges and political programmes are debated across Member States;
3. Welcomes the substantial increase of youth participation in the elections; reiterates its call on the Council and the Commission to take into account their concerns, which are critical for the lives of the next generations, by means of public consultation procedures and the Conference on the Future of Europe; recommends that Member States reflect upon the harmonisation of the minimum age of voters in order to further enhance the participation of young voters;
4. Welcomes the fact that the gender balance in Parliament has improved following the last elections; stresses, however, that there is still room for further improvement in order to achieve a genuinely gender-balanced Parliament and recognises that there are substantial differences between Member States, from electing more than 50 % women to not electing a single female Member of the European Parliament; calls on Member States and the institutions of the Union to take all necessary measures to promote the principle of equality between men and women throughout the whole electoral process; emphasises, in this connection, the importance of gender-balanced electoral lists; calls on the Commission, in cooperation with Parliament and other bodies such as the Venice Commission, to formulate recommendations to Member States with

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a view to increasing the representation of women in the European Parliament, and calls for the introduction of lists of candidates with an equal number of male and female candidates on electable places, for example through the use of zipped lists or other equivalent methods, as in many Member States there is no legislation ensuring political parity for election;

5. Notes that only a few Members of the European Parliament belong to ethnic, linguistic and other minorities⁽²¹⁾; believes that the fight against racism and the elimination of exclusion and discrimination is a duty that derives from EU values and from the Charter of Fundamental Rights of the European Union; stresses that more needs to be done at national and European level in order to further increase the inclusion in electoral lists and the election of minorities and calls on Member States and political parties participating in European elections to adopt proactive measures to increase the representation of underrepresented groups;

6. Recalls, in this light, the particular difficulties faced by Roma people in the area of political participation, especially as regards accessing voter registration procedures owing inter alia to a lack of identity documentation; calls on the Member States to strengthen Roma voter education and turnout;

7. Notes that similar recommendations could be made concerning the exercise of passive and active voting rights of citizens with disabilities; recalls with great concern that throughout the Union an estimated 800 000 citizens with disabilities were not able to vote in 2019 on account of national rules; calls on the Member States to step up exchanges of best practice in order to improve access to polling stations for persons with disabilities; points out that for voters with disabilities the practical voting arrangements are just as important as access to information or to polling stations;

8. Urges Member States to guarantee that all those who have the right to vote, including EU citizens living outside their country of origin, homeless people and prisoners who are granted such a right in accordance with national laws, are able to exercise this right;

9. Notes that diverging electoral cultures have resulted in a range of different electoral systems; recommends that clear regulations, recommendations and guidelines ensure approximation towards a unified European electoral law and equality of the vote for EU citizens, notably when it comes to the right to register a party and to stand for elections, access to ballots, the fielding of candidates, accessibility, proxy or remote voting, and days of election;

10. Acknowledges the good organisation of the electoral process in the 2019 European elections despite the uncertainty resulting from the departure of the UK from the EU; highlights, in this context, the smooth recomposition of the European Parliament after Brexit due to the safeguard clause set out in its resolution of 7 February 2018 on the composition of the European Parliament;

11. Urges the Member States, ahead of the 2024 elections, to make more resources available in consulates so that checks can be stepped up and members of the public made aware that multiple voting is illegal;

12. Calls on the Member States to improve their laws in order to make it easier for homeless people to vote; emphasises that insisting that people provide proof of address in order to vote, as laid down in Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals⁽²²⁾, can serve to exclude homeless people in countries where they cannot obtain an administrative address; strongly recommends that the requirement to provide proof of address be done away with in order to make it easier for homeless people who are full EU citizens to vote;

13. Is of the opinion that the reasons why the Spitzenkandidaten process failed to produce a President of the European Commission after the 2019 elections are, first, because no improvements to the application of the Spitzenkandidat principle were adopted following the experience of 2014 and, second, because of the lack of explanation and understanding of the process among EU citizens; intends to reform the democratic process for choosing the Commission President before the next European elections of 2024; notes, however, that the election of the Commission President always depends on securing the support of the majority of Members of the European Parliament so that the electoral results are fully taken into account, as envisaged in the Lisbon Treaty;

⁽²¹⁾ Commission communication of 19 June 2020 entitled 'Report on the 2019 elections to the European Parliament' (COM(2020)0252).

⁽²²⁾ OJ L 329, 30.12.1993, p. 34.

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14. Underlines the important role of the upcoming Conference on the Future of Europe in the debate on institutional matters, also in the light of the outcome of the 2019 European elections; welcomes the upcoming joint declaration of the three EU institutions on the Conference on the Future of Europe and calls for its swift adoption; recalls the commitment by the Commission President to address topics specifically related to democratic processes and institutional matters, including in the context of the Conference, without prejudice to the decisions taken by the Conference itself on the list of priorities to be addressed;

15. Stresses that the election of the Commission and its President depends on a majority of Parliament's members, which de facto requires the formation of a coalition by programmatic agreement, as shown in the election of the von der Leyen Commission;

16. Points out that nothing prevents European parties and movements from forming coalitions ahead of the European elections, and so putting forward a joint programme and a single-coalition Spitzenkandidat;

17. Considers that the outcome of the European elections has reinforced the political dimension of the election of the European Commission, and therefore the need for more accurate and objective scrutiny of the declarations of interests of the Commissioners-designate; believes, in addition, that this process has highlighted the need for a technical and impartial evaluation of the declarations of interests of the Commissioners-designate; supports the coming reflection in the Committee on Constitutional Affairs (AFCO) and the Committee on Legal Affairs (JURI) on the creation of an independent ethics body, which could be endowed with the appropriate resources; underlines, however, that the approval or rejection of each Commissioner-designate and of the College of Commissioners is ultimately a political exercise which is firmly in the hands of the European Parliament;

18. Insists that all European voters should be allowed to vote for their preferred candidate for the President of the Commission; reiterates, therefore, that the Spitzenkandidaten should be able to stand as official candidates at the next elections in all Member States, elected by a European political party and standing for a unified European electoral programme; stresses that, taking into account the proportional electoral system of the EU, the election of the President of the European Commission should depend on his or her ability to gain support from a majority of Members of the European Parliament;

19. Points out that the proposed changes to the EU's primary law within this report, which reflect the increased political role of the Commission within the EU framework, should also include the individual and collective responsibility of the Commission towards Parliament and the Council, as well as the transformation of the Council into a second legislative chamber of the Union;

20. Proposes a reform of the Electoral Law and the decision on the composition of the European Parliament, envisaging both immediate improvements for the upcoming elections and an agreed and obligatory roadmap of improvements beyond the upcoming elections;

21. Acknowledges that despite the fact that the agreed reform of the Electoral Law has not yet been ratified by some Member States, the following elements which could improve the European electoral process could be discussed, including in the context of the Conference on the Future of Europe:

- new remote voting methods for citizens during European elections in specific or exceptional circumstances,
- common election admission rules for candidates and common campaign and funding rules,
- harmonised standards for passive and active voting rights across Member States, including a reflection on decreasing the minimum age of voters in all Member States to 16,
- provisions on periods of absence for Members, for example in the case of maternity leave, parental leave or severe illness;

22. Reiterates its call for the establishment of a European Electoral Authority with a mandate to monitor the implementation of the guidelines and provisions related to European electoral law; recommends strengthening the exchange mechanisms between national electoral offices under the coordination of the European Electoral Authority;

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23. Expresses deep concern about the fact that evidence of interference and disinformation campaigns continuously came to light, often with indications of foreign influence, in the run-up to the 2019 European elections; commends the efforts by the Commission and other institutions to tackle foreign interference during the electoral campaign, notably through the East StratCom Task Force of the EEAS; points out, nevertheless, that the financial and human resources needed to counter these attacks on European democracy, including at national level, are many times superior to the combined designated European resources; urges the Commission and the Member States to raise financing for the fight against foreign interference significantly; stresses that priority must be given to improving the education children receive from a young age in media use and civics, in society as a whole and in schools, in order to develop people's ability to think critically and identify unsubstantiated information and links to verifiable information;

24. Considers that illegitimate interference in electoral processes is not an exclusively foreign phenomenon; believes that the content-promoting algorithms of social media platforms must be scrutinised and, if necessary, regulated in order to ensure that the information available to citizens is not biased and that their right to information is protected during and beyond electoral campaigns;

25. Believes that the difficulties encountered with political advertisements on social media platforms demonstrate the need to harmonise campaign rules throughout the Union, especially when the European elections de facto lead to pan-European campaigns in which the need to comply with 27 different legal regimes in a digital space creates hurdles and legal uncertainty for political parties and movements;

26. Urges the Commission and the Council to take all necessary measures to combat foreign interference and the internal and external dimensions of disinformation effectively, to fully engage with Parliament's new Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE), and to fully take into account its recommendations as soon as its conclusions are delivered and before the next European elections; encourages the Commission and the Council to work much more closely with Parliament on these matters, as the protection of our democratic institutions is a core competence of the European Parliament;

27. Recognises the important role of European political parties, political movements and foundations in fostering a European political debate; points out, however, that owing to restrictive measures at European and national levels, European political parties cannot fully participate in European election campaigns; stresses, moreover, that they are not allowed to campaign in referendums that concern European matters, such as international trade agreements or the UK's 2016 referendum on EU membership; calls for a further alignment of national and EU legislation in order to level the playing field across the EU for the European elections; proposes that the visibility of European political parties and movements be enhanced by placing their names and logos on the ballot papers, and recommends that the same should also appear on all materials used in European election campaigns;

28. Considers that European political parties' manifestos should be known before the elections, which requires clear and transparent rules on campaigning; underlines that European election rules must promote European party democracy, including by making it obligatory for national parties running in European elections to display the logo of their respective European party next to the national logo on the ballot sheet;

29. Proposes to amend Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations⁽²³⁾ to allow European political parties and foundations to fully participate in the European political space, to campaign, to be able to use campaign funds and stand in European elections, to increase the transparency of their funding, especially as regards the management of funds from the EU budget and when funding comes from member parties, and to prohibit donations from private and public bodies from non-EU countries; stresses, nonetheless, that membership fees from parties from Council of Europe countries could be allowed with a view to fostering pan-European political bonds, provided that this takes place within a framework of enhanced transparency;

⁽²³⁾ OJ L 317, 4.11.2014, p. 1.

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30. Points out that European parties' manifestos were still not a relevant part of the political debate ahead of the 2019 elections; strongly regrets instances when such debate was focused on national topics instead of EU matters, without any direct link to EU policy-making; considers that the European dimension of elections can be enhanced most significantly through more information provided to citizens on the decisions taken by the EU and the impact of such decisions on their daily lives;
31. Is of the opinion that the introduction of an annual European Week taking place simultaneously in all national parliaments, with debates on the Commission Work Programme between Members of national Parliaments, European Commissioners, Members of the European Parliament and representatives of civil society, would support the emergence of connected interparliamentary public spheres and improve the communication of European actions at national level;
32. Calls for a coordinated strategy at European level to ensure media coverage of the European elections, notably by ensuring that the political agendas of the different European political forces are debated, that candidates standing for the European elections in different Member States are invited and that campaign events are covered;
33. Encourages public broadcasters to host and broadcast debates between leading candidates, as well as between candidates running for the European Parliament, as part of their mandate to inform the public;
34. Considers that the outcome of the European elections is a clear signal for an in-depth institutional reflection that will allow citizens, civil society and their representatives to shape the future of the Union; underlines that the COVID-19 outbreak has increased the urgency of an institutional reform process at European level; calls, therefore, on all institutional partners to assume their responsibility and deliver an ambitious, interactive and inclusive Conference on the Future of Europe open to citizens, civil society and their representatives and which strengthens representative democracy and the EU's resilience by delivering tangible results, and to follow up on the conclusions of the Conference, which should bring about significant changes to the policies and institutional architecture of the EU and reinvigorate the European project;
35. Instructs its President to forward this resolution to the European Council, the Council, the Commission, and the governments and parliaments of the Member States.
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P9_TA(2020)0328

Situation of Fundamental Rights in the European Union — Annual Report for the years 2018 — 2019**European Parliament resolution of 26 November 2020 on the situation of Fundamental Rights in the European Union — Annual Report for the years 2018 — 2019 (2019/2199(INI))**

(2021/C 425/12)

The European Parliament,

- having regard to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union ('the Charter'),
- having regard to the Universal Declaration of Human Rights,
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD),
- having regard to the United Nations Convention on the Rights of the Child (CRC),
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the UN Agenda 2030 and the Sustainable Development Goals (SDGs),
- having regard to the references made in previous reports to the state of fundamental rights in the European Union,
- having regard to Article 20 of the Charter, which states that everyone is equal before the law,
- having regard to Article 21 of the Charter, which prohibits all forms of discrimination,
- having regard to the obligation for the EU to accede to the European Convention on Human Rights under Article 6(2) TEU,
- 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 ⁽¹⁾ ('Race Equality Directive'),
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾,
- 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 ⁽³⁾,
- 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 ⁽⁴⁾,
- having regard to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies ⁽⁵⁾,

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ L 328, 6.12.2008, p. 55.

⁽⁴⁾ OJ L 305, 26.11.2019, p. 17.

⁽⁵⁾ OJ L 264, 25.9.2006, p. 13.

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- having regard to its plenary session debate in Strasbourg on the urgent action needed to address homelessness in Europe, that took place on 13 January 2020,
- having regard to Principle 19 of the European Pillar of Social Rights, which states that ‘access to social housing or housing assistance of good quality shall be provided for those in need’,
- having regard to Article 31 of the Revised European Social Charter on the Right to Housing,
- having regard to Article 34(3) of the Charter, which affirms the right to social and housing assistance in order to combat social exclusion and poverty,
- having regard to the Commission report of 2019 on in-work poverty ⁽⁶⁾,
- having regard to the FRA report entitled ‘Combating child poverty: an issue of fundamental rights’,
- having regard to Resolution 2280 of the Parliamentary Assembly of the Council of Europe on the situation of migrants and refugees on the Greek island, of 11 April 2019 ⁽⁷⁾,
- having regard to its legislative resolution of 4 April 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+) ⁽⁸⁾,
- having regard to Article 2 of the Revised European Social Charter on the right to just conditions of work,
- having regard to Article 31 of the Charter on fair and just working conditions,
- having regard to the Council recommendation of 9 April 2019 on the economic policy in the euro area (2019/C 136/01),
- having regard to its resolution of 10 October 2019 on employment and social policies of the euro area ⁽⁹⁾,
- having regard to the EU Youth Strategy for 2019-2027, based on the Council resolution of 26 November 2018,
- having regard to Directive (EU) 2019/1152 of the European Parliament and the Council of 20 June 2019 on transparent and predictable working conditions in the European Union ⁽¹⁰⁾,
- having regard to Directive (EU) 2019/1158 of the European Parliament and the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU ⁽¹¹⁾,
- having regard to the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA ⁽¹²⁾,

⁽⁶⁾ <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&langId=en&newsId=9378>

⁽⁷⁾ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27678&lang=en>

⁽⁸⁾ Texts adopted, P8_TA(2019)0350.

⁽⁹⁾ Texts adopted, P9_TA(2019)0033.

⁽¹⁰⁾ OJ L 186, 11.7.2019, p. 105.

⁽¹¹⁾ OJ L 188, 12.7.2019, p. 79.

⁽¹²⁾ OJ L 101, 15.4.2011, p. 1.

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- having regard to the report from the Commission to the European Parliament and the Council entitled ‘Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims’ (COM(2018)0777),
- having regard to the 8th General Report on GRETA’s Activities⁽¹³⁾ and GRETA reports concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by all the member states⁽¹⁴⁾,
- having regard to the Communication of 28 November 2018 from the Commission to the European Parliament, the European Council, the Council and the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank on ‘A Clean Planet for all: A European strategic long-term vision for a prosperous, modern, competitive and climate-neutral economy’ (COM(2018)0773)⁽¹⁵⁾,
- having regard to Principle 16 of the European Pillar of Social Rights, which stresses the right to timely access to affordable, preventive and curative health care of good quality,
- having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁽¹⁶⁾,
- having regard to its resolution of 5 July 2018 on guidelines for Member States to prevent humanitarian assistance from being criminalised⁽¹⁷⁾,
- having regard to its resolution of 3 May 2018 on the protection of children in migration⁽¹⁸⁾,
- having regard to the resolution of the Parliamentary Assembly of the Council of Europe of October 2014 on the alternatives to immigration detention of children (RES 2020),
- having regard to the recommendation of the Council of Europe Commissioner for Human Rights of June 2019 entitled ‘Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean’⁽¹⁹⁾,
- having regard to the 2019 Fundamental Rights Report by the European Union Agency for Fundamental Rights and the update of June 2019 of the FRA note entitled ‘NGO ships involved in search and rescue in the Mediterranean and criminal investigations’⁽²⁰⁾,
- having regard to its resolution of 5 October 2017 on prison systems and conditions⁽²¹⁾,
- having regard to its resolution of 1 June 2017 on combating anti-semitism⁽²²⁾,
- having regard to its resolution of 15 April 2015 on the occasion of International Roma Day — anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II⁽²³⁾,

⁽¹³⁾ <https://rm.coe.int/8th-/168094b073>

⁽¹⁴⁾ <https://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work>

⁽¹⁵⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0773&from=EN>

⁽¹⁶⁾ OJ C 58, 15.2.2018, p. 9.

⁽¹⁷⁾ OJ C 118, 8.4.2020, p. 130.

⁽¹⁸⁾ OJ C 41, 6.2.2020, p. 41.

⁽¹⁹⁾ <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>

⁽²⁰⁾ <https://fra.europa.eu/en/publication/2019/2019-update-ngo-ships-involved-search-and-rescue-mediterranean-and-criminal>

⁽²¹⁾ OJ C 346, 27.9.2018, p. 94.

⁽²²⁾ OJ C 307, 30.8.2018, p. 183.

⁽²³⁾ TOJ C 328, 6.9.2016, p. 4.

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- having regard to its resolution of 25 October 2017 on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism ⁽²⁴⁾,
- having regard to its resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism ⁽²⁵⁾,
- having regard to its resolution of 17 September 2020 on the implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe ⁽²⁶⁾,
- having regard to the FRA report entitled 'Roma women in nine EU countries',
- having regard to its resolution of 3 May 2018 on media pluralism and media freedom in the European Union ⁽²⁷⁾,
- having regard to its resolution of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States ⁽²⁸⁾,
- having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee ⁽²⁹⁾,
- having regard to its resolution of 25 October 2018 on the use of Facebook users' data by Cambridge Analytica and the impact on data protection ⁽³⁰⁾,
- having regard to its resolution of 25 October 2018 on the rise of neo-fascist violence in Europe ⁽³¹⁾,
- having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights ⁽³²⁾,
- having regard to its legislative resolution of 17 January 2019 on the Protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States ⁽³³⁾,
- having regard to the Commission's Communication of 17 July 2019 on strengthening the rule of law within the Union — a blueprint for action (COM(2019)0343),
- having regard to the Commission communication of 30 September 2020 entitled '2020 Rule of Law Report — The rule of law situation in the European Union' (COM(2020)0580) and its 27 accompanying country chapters on the rule of law in the Member States (SWD(2020)0300-0326), which address the impact of the COVID-19 measures taken by the Member States on democracy, the rule of law and fundamental rights,
- having regard to its resolution of 14 February 2019 on the rights of intersex people ⁽³⁴⁾,
- having regard to its resolution of 14 February 2019 on the right to peaceful protest and the proportionate use of force ⁽³⁵⁾,

⁽²⁴⁾ OJ C 346, 27.9.2018, p. 171.

⁽²⁵⁾ Texts adopted, P8_TA(2019)0075.

⁽²⁶⁾ Texts adopted, P9_TA(2020)0229.

⁽²⁷⁾ OJ C 41, 6.2.2020, p. 64.

⁽²⁸⁾ OJ C 463, 21.12.2018, p. 21.

⁽²⁹⁾ OJ C 101, 16.3.2018, p. 138.

⁽³⁰⁾ OJ C 345, 16.10.2020, p. 58.

⁽³¹⁾ OJ C 345, 16.10.2020, p. 22.

⁽³²⁾ Texts adopted, P9_TA(2020)0251.

⁽³³⁾ Texts adopted, P8_TA(2019)0349.

⁽³⁴⁾ Texts adopted, P8_TA(2019)0128.

⁽³⁵⁾ Texts adopted, P8_TA(2019)0127.

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- having regard to its resolution of 26 March 2019 on fundamental rights of people of African descent in Europe ⁽³⁶⁾,
- having regard to its resolution of 14 November 2019 on the criminalisation of sexual education in Poland ⁽³⁷⁾,
- having regard to its resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention of the Rights of the Child ⁽³⁸⁾,
- having regard to its resolution of 13 February 2019 on experiencing backlash in women's rights and gender equality in the EU ⁽³⁹⁾,
- having regard to Commission Recommendation (EU) 2018/951 on standards for equality bodies ⁽⁴⁰⁾,
- having regard to the 2018 Commission Annual Report on the List of actions to advance LGBTI equality,
- having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI free zones ⁽⁴¹⁾,
- having regard to its resolution of 30 May 2018 on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ⁽⁴²⁾,
- having regard to its resolution of 16 January 2020 on ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary ⁽⁴³⁾,
- having regard to the decision of the European Court of Human Rights (ECtHR) of 19 December 2017 in Case A.R. and L.R. v Switzerland (22338/15), which affirmed that comprehensive sexuality education pursues the legitimate aims of protecting public health, protecting children from sexual violence, and preparing them for social realities; therefore did not recognise an obligation on the part of Member States to allow parents to withdraw their children from such education,
- having regard to the ECtHR case Sh.D. and others v Greece, Austria, Croatia, Hungary, Northern Macedonia, Serbia and Slovenia ⁽⁴⁴⁾, which affirms that the child's extreme vulnerability should prevail over irregular status with necessary measures adopted to protect them and that authorities violated Article 5 by automatically applying the protective custody regime without considering any alternatives to detention or the requirement under EU law to avoid the detention of children ⁽⁴⁵⁾,
- having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 3 October 2019 on obstetrical and gynaecological violence (RES 2306) and the related report of the Committee on Equality and Non-Discrimination of the Council of Europe of 12 September 2019, in which the Assembly calls on the Council of Europe member States to combat gynaecological and obstetrical violence and provides recommendation on how to do so,
- having regard to the Issue Paper entitled 'Women's sexual and reproductive health and rights in Europe' (2017) by the Council of Europe Commissioner for Human Rights,

⁽³⁶⁾ Texts adopted, P8_TA(2019)0239.

⁽³⁷⁾ Texts adopted, P9_TA(2019)0058.

⁽³⁸⁾ Texts adopted, P9_TA(2019)0066.

⁽³⁹⁾ Texts adopted, P8_TA(2019)0111.

⁽⁴⁰⁾ OJ L 167, 4.7.2018, p. 28.

⁽⁴¹⁾ Texts adopted, P9_TA(2019)0101.

⁽⁴²⁾ OJ C 76, 9.3.2020, p. 114.

⁽⁴³⁾ Texts adopted, P9_TA(2020)0014.

⁽⁴⁴⁾ Application no. 141165/16, Judgment of 13 June 2019.

⁽⁴⁵⁾ <https://www.asylumlawdatabase.eu/en/content/ecthr-shd-and-others-v-greece-austria-croatia-hungary-northern-macedonia-serbia-and-slovenia>

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- having regard to the Council of Europe Commissioner for Human Rights Report following her visit to Hungary from 4 to 8 February 2019 ⁽⁴⁶⁾,
 - having regard to the Parliamentary Assembly of the Council of Europe resolution 2299 (2019) on Pushback policies and practice in the Council of Europe members ⁽⁴⁷⁾,
 - having regard to the reports by national, European and international NGOs, as well as the reports by the Council of Europe Commissioner for Human Rights,
 - having regard to the work carried out by the European Union Agency for Fundamental Rights (FRA), the Council of Europe and the Venice Commission,
 - having regard to the case law of the Court of Justice of the European Union and of the ECtHR,
 - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence which opened for signature in Istanbul on 11 May 2011 ('Istanbul Convention'),
 - having regard to its resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence ⁽⁴⁸⁾,
 - having regard to the work of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Constitutional Affairs, the Committee on Women's Rights and Gender Equality and the Committee on Petitions,
 - having regard to the 2018 annual report of the Commission on the application of the EU Charter of Fundamental Rights ⁽⁴⁹⁾,
 - having regard to the Fundamental Rights Reports of 2018 and 2019 of FRA ⁽⁵⁰⁾,
 - having regard to the FRA paper 'Civil society space: views of organisations' as well as the FRA report 'Challenges facing civil society organisations working on human rights in the EU',
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Constitutional Affairs and the Committee on Petitions,
 - having regard to the position in the form of amendments of the Committee on Women's Rights and Gender Equality,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0226/2020),
- A. whereas the EU is not merely a monetary union, but also a social one, as enshrined in the European Convention on Human Rights, the European Social Charter and the European Pillar of Social Rights; whereas Article 151 TFEU refers to fundamental social rights such as those set out in the European Social Charter; whereas the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, as set out in Article 2 TEU and as reflected in the Charter and embedded in international human rights treaties; whereas the Charter is part of EU primary law; whereas the Union has still not acceded to the ECHR, in spite of its obligation to do so under Article 6(2) TEU;

⁽⁴⁶⁾ <https://rm.coe.int/report-on-the-visit-to-hungary-from-4-to-8-february-2019-by-dunja-mija/1680942f0d>

⁽⁴⁷⁾ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=28074&lang=en>

⁽⁴⁸⁾ Texts adopted, P9_TA(2019)0080.

⁽⁴⁹⁾ European Commission, 2018 report on the application of the EU Charter of Fundamental Rights: <https://op.europa.eu/en/publication-detail/-/publication/784b02a4-a1f2-11e9-9d01-01aa75ed71a1/language-en>

⁽⁵⁰⁾ European Union Agency for Fundamental Rights (FRA), Fundamental Rights Report 2018/Fundamental Rights report 2019:

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- B. whereas these values are shared by all the Member States and should be upheld and actively promoted by the EU and each Member State individually in all their policies, both internally and externally in a consistent way; whereas respect for the rule of law is a prerequisite for the protection of fundamental rights and whereas Member States have the ultimate responsibility for safeguarding the human rights of all people;
- C. whereas Article 17 TEU states that the Commission must ensure the application of the Treaties; whereas a refusal by a Member State to fully uphold EU law, the separation of powers, the independence of the judiciary and the predictability of state actions is undermining the credibility of the EU; whereas an independent judiciary, freedom of expression and information and media pluralism are crucial components of the rule of law;
- D. whereas in the years 2018 and 2019, the EU has faced serious and multifaceted challenges in relation to the protection of fundamental rights, the rule of law and democracy, which are all intrinsically connected; whereas the European Commission Special Eurobarometer of March 2019 shows that awareness of the Charter remains low; whereas according to the EU Agency for Fundamental Rights, in 2018 not only human rights violations were found across the EU, but also the rejection of human rights protection systems as a whole ⁽⁵¹⁾;
- E. whereas better promotion of the Charter is needed, for example by means of campaigns promoting awareness, in order to render its provisions more effective and promote it as positive source of interpretation; whereas greater exchange of information on experiences and approaches to the use of the Charter between judges, lawyers' associations and public administrations within the Member States, as well as beyond national borders, including through the use, where appropriate, of existing funding instruments, such as those provided for in the Justice Programme, as well as targeted training programmes for legal practitioners, could be beneficial;
- F. whereas corruption constitutes a serious threat to democracy, the rule of law and fundamental rights and harms all Member States and the EU as a whole; whereas the implementation of the anti-corruption legal framework remains uneven among Member States;
- G. whereas the increase in precarious employment, as well as youth unemployment is deeply concerning and may lead to long lasting negative impacts on the rights enshrined in Article 31 of the Charter;
- H. whereas children's rights are enshrined in the Charter; whereas the best interests of the child should be a crucial consideration in all EU action and the principle of the best interest of the child should be fully respected in all legislation, court and government decision at all levels; whereas Member States should ensure the right to education for all children in the EU and protect them from any discrimination;
- I. whereas gender based violence in all its forms, including harassment and violence in the workplace, at home and online, is a violation of fundamental rights which affects all levels of society, regardless of age, education, income, social position and country of origin or residence, and represents a major barrier to equality between women and men; whereas as many as 11 Member States do not provide data on women victims of intentional homicide by an intimate partner or family member ⁽⁵²⁾;
- J. whereas the ECtHR has established that various types of environmental degradation can result in violations of human rights, such as the right to life, to private and family life, the prohibition of inhuman and degrading treatment, and the peaceful enjoyment of the home ⁽⁵³⁾; whereas environmental injustices are regularly related to health risks and negative consequences for wellbeing, and certain communities and groups, including socioeconomically disadvantaged groups, as well as black people and people of colour and ethnic minorities, are disproportionately affected by environmental burdens;

⁽⁵¹⁾ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-frf-2018-chair-statement_en.pdf

⁽⁵²⁾ https://eige.europa.eu/sites/default/files/documents/20190390_mh0419039enn_pdf.pdf

⁽⁵³⁾ <https://www.coe.int/en/web/commissioner/-/living-in-a-clean-environment-a-neglected-human-rights-concern-for-all-of-us>

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- K. whereas access to justice is a fundamental right and impunity represents a significant obstacle for the recovery and protection of victims;
- L. whereas there has been an organised backlash against women's and girl's rights in recent years, where some Member States have sought to roll back on sexual and reproductive health and rights, such as existing legal protections for women's access to abortion care, including the introduction of regressive pre-conditions before abortions can take place, such as mandatory biased counselling or waiting periods, not ensuring that barriers that impede access to abortion in practice are eradicated, as well as attempts to fully ban abortion or remove existing legal grounds for abortion; Whereas in some Member States there have been attempts limit or ban sex education and gender studies and to promote campaigns against the Istanbul Convention which deny the existence of gender-based violence; whereas the backlash against women's rights and gender equality is often linked to a broader deterioration in the situation of democracy, the rule of law and fundamental rights;
- M. whereas cases of gynaecological and obstetrical violence have been increasingly denounced in several Member States ⁽⁵⁴⁾; whereas the rights of women in all their diversity are protected under the Treaty, including Roma women, black women and women of colour, LGBT women and women with disabilities; whereas Roma women are particularly affected as regards women's rights and often face exacerbated forms of verbal, physical, psychological and racial harassment in reproductive health care settings; whereas Roma have also experienced ethnic segregation in maternal health care facilities, and are placed in segregated rooms with segregated bathrooms and eating facilities; whereas in some Member States Roma have been subjected to systematic practices of forced and coercive sterilisation and have been unable to obtain adequate reparations, including compensation, for the resulting violations of their human rights;
- N. Whereas the EU has witnessed spread of racism, intolerance, extremism, xenophobia, Islamophobic, anti-Semitic and anti-Roma sentiments which have become normalised in certain Member States and are embraced by opinion leaders and politicians across the EU, fostering a social climate that provides fertile ground for racism, discrimination and hate crimes; whereas Muslims, including Muslim women, continue to experience widespread hostility and intolerance in many EU countries ⁽⁵⁵⁾; whereas the EU Agency for Fundamental Rights pointed out in its 2019 report that discriminatory institutional practices, policies and laws exist in many countries; whereas the fight against terrorism and counter-terrorism policies should not lead to general discrimination against certain communities; whereas the FRA created in December 2018 the first dedicated data-base on anti-Muslim hatred; whereas Anti-Semitism appears to be on the rise, as demonstrated by the report of 4 July 2019 by the EU Fundamental Rights Agency, with several Member States reporting increases in crimes motivated by anti-Semitism; whereas ethnic and religious minorities often face verbal, physical, psychological and racial harassment; whereas the development of education and training to foster critical thinking, to give tools to identify all forms of discrimination and intolerance and promote digital literacy, is crucial;
- O. whereas the increased resort of states to new technology, such as predictive policing and the use of facial recognition, presents a number of risks, in particular for racial minorities in Europe;
- P. whereas there is a serious backlash of LGBTI-rights, even to the extent that 'LGBTI-free zones' have been introduced ⁽⁵⁶⁾ in one Member State;
- Q. whereas the EU and the Member States have shared competencies in the area of housing; whereas both a national and an EU level strategy is needed; whereas homelessness is a situation that deprives individuals of human rights, and is itself a violation of human rights; whereas there is a trend of rising evictions and homelessness across the EU ⁽⁵⁷⁾;

⁽⁵⁴⁾ <http://www.assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2019/20190912-ObstetricalViolence-EN.pdf>

⁽⁵⁵⁾ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-minorities-survey-muslims-selected-findings_en.pdf

⁽⁵⁶⁾ LGBT-free zones have been introduced in Poland — <https://atlasnienawisci.pl/>

⁽⁵⁷⁾ <https://www.coe.int/en/web/commissioner/-/the-right-to-affordable-housing-europe-s-neglected-duty>

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- R. whereas affordable housing is in short supply in Europe today, in spite of increasing demand; whereas annual overviews published by the European Federation of National Organisations Working with the Homeless (FEANTSA) found evidence of rising homelessness in almost all the EU/EEA; the 2018 FEANTSA report noted that children are becoming the largest group of people in emergency shelters as a result of a deterioration in the living conditions of extremely vulnerable families ⁽⁵⁸⁾;
- S. whereas freedom of expression and freedom and pluralism of the media are enshrined in Article 11 of the Charter and Article 10 of the European Convention on Human Rights (ECHR); whereas an independent judiciary, freedom of expression and information and media pluralism are crucial components of the rule of law and are vital to the democratic functioning of the EU and its Member States;
- T. whereas the number of threats and attacks against journalists has increased across the EU ⁽⁵⁹⁾; whereas the OSCE reports that impunity prevails as, for example, fewer than 15 % of murders of journalists in the OSCE region are solved (Media freedom report); whereas this is a clear deterioration regarding the protection of journalists, which undermines media freedom and freedom of expression, putting democracy at risk;
- U. whereas Parliament's resolution on media pluralism and media freedom in the EU stressed that Member States and the Commission should refrain from adopting unnecessary or disproportionate measures that limit access to the internet and the exercise of fundamental human rights, or that entail seizing control of public communications through the arbitrary imposition of a state of emergency or on other grounds; whereas these laws sometimes use vague and imprecise wording, thus giving a wide margin of discretion to law enforcement authorities when it comes to implementation, and increasing the risks of arbitrary restrictions to the right to freedom of peaceful assembly;
- V. whereas in 2018 and 2019 it has been proven that some major social media companies, in violation of existing data protection law, have granted third-party applications access to users personal data, and that personal data has been increasingly abused for behavioural prediction and manipulation, including for electoral campaigning purposes; whereas in light of the constant development of technology, interferences with fundamental rights can be seriously high; whereas various information systems can have impacts on fundamental rights, such as data protection and breaches of privacy;
- W. whereas in the light of the constant development of technology, interferences with fundamental rights are not easy to predict; whereas various information systems can have impacts on fundamental rights, such as shortcomings in data protection and breaches of privacy; whereas increased interoperability of these systems could lead to robust and more timely protection of our citizens, and thus their rights, specifically in cases of missing children or human trafficking, or in tackling money laundering; whereas the cooperation and exchange of information between different EU agencies working on security is vital to the timely and effective fight against terrorism and radicalisation, as well as to preventing cybercrime;
- X. whereas whistle-blowers and journalists play an essential role in any open and transparent democracy; whereas whistle-blowers and journalists are instrumental in promoting transparency, democracy and the rule of law, by reporting unlawful or improper conduct that undermine the public interest such as acts of corruption, criminal offences or conflicts of interest, which represent threats against citizens' rights and freedoms; whereas whistleblowing and journalism are fundamental aspects of freedom of expression and information; whereas journalists and other media actors in the EU face multiple attacks, threats and pressures from state and non-state actors; whereas the adequate protection of journalists and whistle-blowers at EU, national and international level, as well as the acknowledgement of the important role played by journalists, in particular investigative journalists, and whistle-blowers in society, are preconditions for ensuring the effectiveness of such roles;
- Y. whereas Article 11 of the ECHR and Article 12 of the Charter state that everyone has the right to freedom of peaceful assembly and to freedom of association, including the right to form and join trade unions for the protection of their interests; whereas in democratic societies, freedom of assembly is one of the instruments by which people can participate in the public debate and bring about social change;

⁽⁵⁸⁾ <https://www.feantsa.org/download/full-report-en1029873431323901915.pdf>

⁽⁵⁹⁾ <https://rm.coe.int/annual-report-2018-democracy-in-danger-threats-and-attacks-media-freed/1680926453>

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- Z. whereas acting police officers must always be identifiable in order to enable the investigations of possible excesses of use of force and national authorities must determine the associated responsibilities; whereas Member States have different thresholds for the use of force and weapons by law enforcement authorities for maintaining public order; whereas several Member States ⁽⁶⁰⁾, have adopted laws that could lead to disproportionate restrictions of the right to freedom of peaceful assembly;
- AA. whereas the space for civil society is shrinking in certain Member States; whereas Member States are responsible for ensuring that the rights of civil society organisations and human rights defenders are not restricted, and that a conducive legislative and regulatory environment is in place, as reinforced in the recently adopted Council conclusions on the Charter of Fundamental Rights after 10 Years: State of Play and Future Work; whereas Member States should also support the work of civil society organisations through sufficient funding and ensure that there are mechanisms for fruitful cooperation with them;
- AB. whereas State and non-state sponsored campaigns to discredit human rights defenders and civil society organisations aim through their strategies to overturn existing laws on basic fundamental rights; whereas these campaigns have often been echoed by traditional media and social networks, while those who defend migrants and asylum seekers, the LGBTI+ community, survivors of gender-based violence, people of faith and religion and other marginalised groups continue to be criminalised and stigmatised;
- AC. whereas, according to the IOM, 1 885 persons in 2019 and 2 299 persons in 2018 are believed to have died or gone missing in the Mediterranean Sea on their way to Europe; whereas the route from Libya to Europe is still the migration route with the highest death toll in the world (646 deaths so far in 2019) and was five times deadlier in 2018 than in 2015 notably due to a reduction in search and rescue (SAR) activities off the Libyan coast ⁽⁶¹⁾; whereas saving lives is an act of solidarity with those at risk, but first and foremost a legal obligation under both international law, as Article 98 of the United Nations Convention of the Law of the Sea (UNCLOS) — ratified by all Member States and the Union itself — requires States to render assistance to any person in distress at sea, and Union law ⁽⁶²⁾;
- AD. whereas the criminalisation of solidarity continued to be used as a tool to disrupt the work of NGOs trying to save lives in the Mediterranean Sea; whereas individuals faced charges related to assistance they provided to migrants and asylum seekers in several EU countries, demonstrating the worrying trend of criminalizing humanitarian assistance to migrants and asylum seekers;
- AE. whereas the EU has an obligation under EU and international law to receive and process the applications of those who come to the EU seeking asylum; whereas pushbacks constitute a violation of EU and international law and prevent asylum seekers from benefiting from the legal guarantees firmly laid down in such law; whereas the Council of Europe Commissioner for Human Rights expressed grave concern about consistent reports of violent pushbacks;
- AF. whereas migration is part of the EU's past, present and future and one of the biggest challenges of our times that has clear implications on fundamental rights; whereas applicants for asylum have the right and possibility to submit their asylum applications at official border crossings when entering the EU; whereas there have been allegations of violation of fundamental rights of migrants and asylum seekers; whereas border officials need to provide adequate services to refugees, taking into account the special circumstances of vulnerable people, such as children, traumatised people and pregnant women;

⁽⁶⁰⁾ Commissioner for Human Rights of the Council of Europe, Shrinking space for freedom of peaceful assembly, Council of Europe, Strasbourg, 2019.

⁽⁶¹⁾ <https://www.iom.int/news/iom-mediterranean-arrivals-reach-110699-2019-deaths-reach-1283-world-deaths-fall>

⁽⁶²⁾ See also the obligations laid down in the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1979 International Convention on Maritime Search and Rescue (SAR) and the 1989 International Convention on Salvage.

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- AG. whereas according to the European Border and Coast Guard Agency, in 2018 women accounted for 18 % of all irregular entries across the external EU border and nearly one in five migrants were registered as children, with some 3 750 being unaccompanied; whereas these women and children are particularly vulnerable to abuses of their fundamental rights, such as human trafficking; whereas there is a need for Member States to build and strengthen child protection systems to prevent and respond to violence, abuse, neglect and exploitation of children;
- AH. whereas Member States should ensure that migrant and refugee children are granted access to education swiftly after their arrival in the European Union territory;
- AI. whereas acts of terrorism constitute one of the most serious violations of fundamental rights and freedoms; whereas during 2018 and 2019, acts of glorification of terrorism and homages to the terrorists took place within the European Union; whereas this kind of acts legitimizes terrorism, threatens our democracy and humiliates the victims;

Economic and social rights

1. Recognises that the EU plays an important role in preventing poverty and social exclusion in the Member States; stresses the importance for the EU and its Member States to work out specific programmes aimed at ending child poverty, as special consideration must be given to the particular detrimental impact of poverty on the social, psychological and physical development of children; and the health implications for future adult generations; stresses that children are at a disproportionate risk of social and economic exclusion and experience the violation of their fundamental rights due to abuse, violence, exploitation, poverty, and all forms of social exclusion; stresses that poverty is by itself a form of social injustice, which is grounded in gender inequalities, discrimination and unequal chances to access goods and services; calls on the Commission and the Council to consider fundamental rights while making economic policy proposals and to ensure that human rights impact assessments are conducted in conjunction with any decisions on their adoption, in order to assess any potential adverse impacts on human rights; calls on the Member States to guarantee access to health care, quality education and housing on an equal footing for all;
2. Stresses that major reductions of government spending on public services have had serious effects on inequalities, which have deeply impacted the social fabric of the EU in many Member States and that this continues today- exacerbating already widening inequalities and breaching fundamental rights — and affects in particular women, people with disabilities, the elderly, children, migrants, Roma, Travellers, LGBTI+ people, and people in other disadvantaged groups; reiterates that macroeconomic policies must be guided not only by economic growth but also by social standards, in order to ensure that the most vulnerable in society can fully enjoy their social, political and economic rights; stresses that equal access and opportunities for quality education and employment have a critical role in helping to alleviate inequality and lifting people out of poverty; acknowledges the importance of workers' rights, such as maternity and paternity leave, which help provide a healthy, stable environment for children; calls on Member States to adopt laws to safeguard and strengthen such rights, that contribute to families' social and economic stability; calls on the Member States to ensure appropriate working conditions and protection against economic exploitation and discrimination, especially for those groups who are most vulnerable to experiencing such inequalities, such as young people; calls on the Member States to strengthen implementation of the Youth Guarantee; ensuring that all young people have access to high quality employment, educational, and training opportunities, and that such offers are evenly distributed among Member States and regions; calls on Member States to fully implement the Employment Equality Directive, in order to ensure equal access to employment opportunities, regardless of religious belief, age, disability and sexual orientation;
3. Stresses that housing is not merely a commodity, but a necessity, as citizens who are deprived of it cannot participate fully in society or access all their fundamental rights; is concerned by the fact that young people in particular are being priced out of housing and deplores cases of discrimination by landlords and policies which cut housing benefits for young people; is alarmed that up to one third of all homeless people in most EU Member States are aged 18-29; calls on the Commission and the Member States to integrate the recommendations made by the Council of Europe Human Rights Commissioner in her comment of 23 January 2020 entitled 'The right to affordable housing: Europe's neglected duty', particularly the recommendation that all Member States should promptly accept to be bound by Article 31 of the revised European Social Charter on the right to housing; calls on Member States to place the right to adequate housing for citizens

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among their priorities of social policies and step up investment in social and affordable housing to combat the housing cost overburden, particularly to protect disadvantaged and vulnerable groups; calls on the Commission to duly investigate discrimination in access to housing as prohibited under the Racial Equality Directive and launch infringement proceedings in case of violations;

4. Highlights Article 37 of the Charter, which affirms that measures towards achieving a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union; emphasises the urgent need of including relevant environmental concerns into the decision-making process of all policies and initiatives and believes that sustainability must be the guiding principle for all macroeconomic policies to ensure the just transition to an environmentally sustainable economy, while protecting and creating sustainable employment; and in order to deal with one of the most significant threats facing humanity; calls for the EU wide implementation of the Aarhus Convention that links environmental rights and human rights; highlights that environmental impairment and the failure of some public authorities to provide information about serious environmental risks to which individuals are exposed, may have severe harmful consequences for individuals;

5. Recalls that in accordance with Article 6 of the TFEU the competence to protect and improve human health lies with the EU Member States;

Right to equal treatment

6. Reiterates that women and girls must have control over their bodies and sexualities; calls on all the Member States to guarantee comprehensive sexuality education, ready access for women and girls to family planning, and the full range of sexual and reproductive health services, including modern contraceptive methods and safe and legal abortion;

7. Condemns the present visible and organised backlash at global and European level against gender equality and women's rights, including sexual and reproductive health and rights; strongly affirms that the denial of sexual and reproductive health and rights services is a form of violence against women and girls and stresses that the ECtHR has ruled on different occasions that restrictive abortion laws and preventing access to legal abortion violates the human rights of women; reiterates that the refusal by medical professionals to provide the full range of reproductive and sexual health services on personal grounds must not infringe on the right of women or girls to access reproductive care; calls on the Commission to include the need to uphold sexual and reproductive health and rights in its Fundamental Rights Strategy;

8. Strongly condemns the alarming number of femicides in the EU, which is the most extreme form of violence against women; regrets the lack of available data in some Member States which reflects the lack of recognition of the problem; calls on the Council to urgently conclude the EU ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence, on the basis of a broad accession, without any limitation; urges the Council and those Member States who have not done so yet to conclude the ratification of the Istanbul Convention;

9. Strongly condemns all forms of sexual, gynaecological and obstetrical violence against women, such as inappropriate or non-consensual acts, painful interventions without anaesthetic, female genital mutilations, forced abortion, forced sterilisation and forced surrogacy;

10. Strongly condemns the ethnic segregation of Roma women in maternal health care facilities; calls on the Member States to immediately prohibit all forms of ethnic segregation in health facilities, including maternal health care settings; calls on the Member States to ensure effective and timely remedies for all survivors of forced and coercive sterilisation, including through the establishment of effective compensation schemes;

11. Condemns hate crime and hate speech, as well as discrimination based on any grounds such as race, colour, ethnic or social origin, language, religion or belief, political opinion, minority status, disability, sexual orientation, gender identity, gender expression or sexual characteristics; reiterates the concern that online hate speech remains a prevalent and pressing issue; warns against the increasing levels and normalisation of hate speech and different forms of racism, such as islamophobia, antigypsyism, antisemitism and against black people and people of colour in many Member

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States, boosted by the rise of extremist movements and their rhetoric, and by government representatives or political leaders in certain Member States, who use hateful discourse, by spreading racist, xenophobic, anti-LGBTI rhetoric; expresses its concern at the lack of reporting of hate crimes by victims owing to inadequate safeguards and to the failure of authorities to investigate properly and obtain convictions for hate crimes in the Member States; emphasises the need to encourage and facilitate victims to report hate crimes or discrimination, and to give them full protection and support; recalls that Member States should ensure that hate crime and hate speech is effectively recorded, investigated, prosecuted and tried; calls on the Commission and the FRA to continue their work on monitoring hate crime and hate speech in the Member States, and to report regularly on cases and tendencies;

12. Recalls that in the European Union there have been attacks on places of Christian worship or places otherwise related to Christianity, such as churches, cemeteries, monuments and statues; condemns all attacks on Christians and calls for the equal treatment of Christians in Europe and worldwide;

13. Recalls the obligation for the EU institutions and agencies to fully uphold, with regard to all citizens, the right to freedom of thought, conscience and religion and the prohibition of discrimination on grounds of religion or belief, including philosophical beliefs, in public and in private; calls on the Member States to protect freedom of thought, conscience, religion or belief and to effectively implement the EU Guidelines on its promotion and protection;

14. Is extremely concerned that while the promotion of fascism is banned in several Member States under national law, neo-fascist movements have gained visibility in their use of fascist symbols and rhetoric in some Member States; is deeply concerned about the increasing normalisation of fascism across the EU; urges the Member States to impose an effective ban on neo-fascist and neo-Nazi groups and any other foundations or associations that exalt and glorify Nazism and fascism;

15. Calls on the Member States to ensure the full implementation of the Race Equality Directive in order to combat persisting racism against black people and people of colour, transphobia, antigypsyism, antisemitism and islamophobia; condemns the fact that racial, ethnic, linguistic and religious minorities face structural racism, discrimination, hate-crime and hate-speech, a lack of access to justice, and sustained socio-economic inequalities in areas such as housing, healthcare, employment and education, which need to be acknowledged as major barriers to full enjoyment of fundamental rights and key barriers to inclusion and equality;

16. Calls for the quick adoption of the proposed 2008 Equal Treatment Directive, which is still awaiting approval by the Council, in order to close the current protection gap in the EU legal framework concerning non-discrimination on the grounds of age, disability, religion or belief, or sexual orientation in key areas of life, such as social protection, education and access to goods and services; calls on the Commission to actively fight segregation and discrimination, including by initiating infringement procedures to foster the effective application of the Framework Decision on combating certain forms of racism and xenophobia by means of criminal law; recalls that these measures should be accompanied by proper national integration strategies;

17. Recalls that the UN Convention on the Rights of Persons with Disabilities (UNCRPD) aims to ensure equal opportunities regarding accessibility, participation, equality, employment, education and training, social protection, health, and EU external action; underlines that persons with disabilities are still disadvantaged and discriminated against regarding employment, education and social inclusion; stresses in this regard the importance of accessibility in public spaces, a minimum percentage for employment of persons with disabilities, guarantees of inclusive education, including access to initiatives such as Erasmus+, with particular attention to children with disabilities;

18. Calls on the Member States to ensure that children are protected against any kind of discrimination in the field of education; calls in particular for children whose disability involves language development problems, such as autism spectrum disorder, to be given particular protection when their education takes place in multilingual environments, to enable them to study, if the families so wish, in their mother tongue;

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Freedoms

19. Calls on Member States to protect and develop a vibrant, independent, pluralist and free media sector; condemns in this respect any measures aimed at silencing critical media and undermining media freedom and pluralism, including in sophisticated ways that do not typically lead to an alert being submitted to the Council of Europe Platform for the Protection of Journalism and Safety of Journalists; expresses concern about the creation of government-controlled bodies which manage large parts of a country's media landscape and the hijacking of public service media outlets to serve partisan interests; recalls that where media ownership remains highly concentrated, whether in government or private hands, it constitutes a significant risk to the diversity of information and viewpoints represented in media content; recalls that freedom of expression and information, including the freedom of artistic expression, and media freedom are fundamental to democracy and the rule of law and urges Member States to guarantee the independence of their media authorities; recalls that the right to seek, receive and impart information and ideas either orally, in writing or in print, in the form of art, or through any other media, is a component of the freedom of artistic expression ⁽⁶³⁾;

20. Recalls the fundamental role of investigative journalism in acting as a watchdog in a democratic society, strengthening public oversight of political actors, including in the domain of corruption; condemns the persistence and increase in many Member States of violence, threats and intimidation against journalists, including in relation to the disclosure of information about breaches of fundamental rights, which often leads to self-censorship and undermines citizens' right to information; requests the Commission to put forward a proposal for strong and comprehensive mechanisms to protect and strengthen freedom of speech, media freedom and enhance the protection of journalists, including by guaranteeing the transparency of media-ownership, adopting an EU-wide anti-SLAPP directive, creating a permanent EU fund for independent media and investigative journalists and establishing a rapid reaction mechanism for journalists in danger; calls on the Member States to prevent and penalise attacks on investigative journalists in the exercise of their work;

21. Emphasises the particularly important role of whistle-blowers in safeguarding the public interest and in promoting a culture of public accountability and integrity in both public and private institutions; Calls on Member States to fully transpose into national law the provisions of Directive (EU) 2019/1937 as a matter of urgency so as to maximise its effects as soon as it enters into force; encourages Member States to complement such measures to also protect whistle-blowers in cases when they report breaches outside the scope of EU law;

22. Expresses its concern about the threat that different forms of propaganda and misinformation pose to freedom of speech and expression and to the independence of the media, and the negative effects they might have on the quality of political debate and on the participation of citizens in democratic societies; calls on the Commission to promote and invest in the strengthening of media literacy, actively support quality journalism and foster data protection and create a more transparent online ecosystem while safeguarding media freedom and pluralism;

23. Stresses that political profiling, disinformation and manipulation of information represent a threat to the EU's democratic values; calls on the Commission and the Member States to contribute to the development of education and training in critical thinking that citizens can form their own opinion to face these risks;

24. Stresses that law enforcement officials must respect and protect human dignity and maintain and uphold the human rights of all persons while performing their duty; stresses that the foremost task of police forces is to ensure the safety of citizens, and to ensure protests are conducted in peaceful manner; Condemns the use of violent and disproportionate interventions by law enforcement authorities during peaceful demonstrations; calls on the Member States to ensure that any 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; calls on the relevant national authorities, in cases when the use of

⁽⁶³⁾ Judgment of the ECtHR of 24 May 1988, Case Müller and Others v. Switzerland, paragraphs 27, 33; Judgment of the ECtHR of 8 July 1999, Case Karatas v. Turkey; Judgment of the ECtHR of 22 October 2007, Case Lindon, Otchakovsky-Laurens and July v. France.

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disproportionate force is suspected or has been alleged, to ensure a transparent, impartial, independent and effective investigation, and avoid impunity; recalls that law enforcement agencies are fully accountable for the fulfilment of their duties and their compliance with the relevant legal and operational frameworks;

25. Strongly condemns the increasing restrictions on freedom of assembly, including during election periods; calls on Member States to refrain from adopting restrictive laws concerning freedom of assembly and encourages the EU and its Member States to take further steps to safeguard and protect freedom of assembly, as a fundamental right and as basic principles of democratic processes; calls on the Commission to take an active role in promoting these rights in line with international human rights standards;

26. Recalls the essential role at local, regional, national, EU and international levels that civil society plays in representing the interest of citizens; in strengthening the voices of those minorities which are not properly represented; and in defending and promoting the principles enshrined in Article 2 TEU; stresses the need to ensure an enabling environment for civil society organisations, where they can operate free from attacks and without unnecessary or arbitrary restriction;

27. Is deeply concerned about the increasingly shrinking space for independent civil society in some Member States, in particular for women's rights organisations, LGBTI organisations and human rights defenders, including unreasonable administrative burdens, decreasing financial support for conducting advocacy, as well as restrictions on freedom of assembly and organisation; condemns the restrictions in access to funding of civil society organisations which, in some Member States, has a more systemic aspect in the form of legal and policy changes and are severely affecting their work and legal standing; calls upon the European Commission and the Council to increase EU support for civil society organisations defending the values of Article 2 TEU in the European Union through the Rights and Values Programme, the funding of which should be significant, as asked by the European Parliament;

28. Insists that regular and comprehensive monitoring and analysis are crucial to understand the challenges faced by civil society across Europe; calls on the European Commission to include relevant indicators related to civic space, freedom of expression and freedom of association in future annual rule of law reports, to propose a plan of action to protect and promote civil society, including the adoption of Guidelines for the protection of freedom of expression, freedom of association and freedom of peaceful assembly as well as the protection of human rights defenders at risk and to establish an emergency fund for their protection; welcomes the proposal for a revision of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights ⁽⁶⁴⁾ and stresses the need to strengthen and enlarge its mandate following a thorough impact assessment; encourages the Commission, the Council and the European Parliament to systematically use the data produced by FRA in policy making;

29. Recognises the serious issues that can arise within prevalent Eurosceptic communities, particularly those which are paired with violent political views, and urges the EU and the Member States to encourage the active participation of EU citizens in EU matters, particularly amongst young people, so that their opinions can be voiced through democratic channels;

30. Emphasises the important roles which civic education and intercultural dialogue play in improving EU citizens' understanding of their political participation; encourages the education of EU citizens of their rights;

31. Notes that new techniques for the collection and processing of personal data for the purposes of behavioural prediction and manipulation have an increasing impact on the fundamental rights of billions of people in the EU and around the globe, particularly the rights to privacy, data protection, information, and media freedom and pluralism; in that regard, urges private actors and competent authorities to ensure the full application of EU data protection law and privacy law, and to ensure that individuals understand when and how their personal data is processed and for what purposes, and how they can object to data processing and file complaints, in order to protect their right to personal data protection and privacy;

⁽⁶⁴⁾ OJ L 53, 22.2.2007, p. 1.

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32. Calls on the European Commission to launch infringement procedures against Member States whose laws implementing the invalidated Data Retention Directive have not been repealed to bring them into line with the CJEU case law⁽⁶⁵⁾;

33. Highlights the potential dangers to fundamental freedoms and security with regards to the use of new technologies, especially artificial intelligence (AI) systems, including the risks related to the right to protection of personal data and privacy, bioethical concerns related to the use of AI in health care, possible direct and indirect discrimination and biases, potentially exacerbating prejudice and marginalisation and spreading of disinformation; points out that biases in datasets, and in the design and operation of these systems, may lead to biased outputs, particularly when used by law enforcement authorities, which may lead to these systems reproducing existing societal, personal and other biases, and may result in discrimination based on social, economic, ethnic, racial, sexual orientation, gender, disability status or other factors; emphasises that further safeguards are needed to ensure privacy and data protection in light of the development of new technologies, and that any implications for fundamental rights must be considered; calls on the EU institutions and the Member States to address the emerging 'digital gap', particularly in the areas of public administration and services; stresses that elderly people, together with those who are socioeconomically disadvantaged are some of the most affected groups by the 'digital gap'; stresses that the approach to AI should be 'human-centred' and ensure that human values are central to the way in which AI systems are developed, deployed, used and monitored, by ensuring respect for fundamental rights set out in the Treaties and the Charter; calls on the Commission to put forward legislative proposals for a coordinated European approach to AI, drawing on Ethics guidelines for trustworthy AI prepared by the Commission's High-Level Expert Group on AI (AI HLEG);

34. Welcomes initiatives and actions which aim at strengthening security cooperation between Member States and to set out an effective EU response to terrorism and security threats in the European Union; urges the Member States to fully cooperate with each other, and to improve the exchange of information among each other and with EU Justice and Home Affairs agencies; highlights the importance of respecting fundamental rights in the fight against terrorism; stresses the importance that oversight mechanisms in the field of intelligence services should be in line with the Charter and the ECHR; calls on the institutions concerned to provide safeguards to prevent any subsequent victimisation derived from humiliation and attacks on the image of the victims coming from social sectors related to the attacker;

35. Emphasises that anti-discrimination legislation remains a key component of any strategy to prevent radicalisation and to enable the de-radicalisation of those who are already members of extremist organisations; reiterates that Member States, with continued support from the Commission, must improve their efforts to prevent radicalisation and violent extremism by promoting European values, tolerance and community;

Fundamental rights of migrants, asylum seekers and refugees

36. Calls on the Commission and the Member States to implement the Recommendation of the Council of Europe Commissioner for Human Rights of June 2019 entitled 'Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean'; reiterates that safe and legal pathways for migration are the best way of avoiding loss of life; urges Member States to intensify resettlement measures, put in place humanitarian corridors to the EU, and introduce the possibility to apply for humanitarian visas for asylum-seekers;

37. Emphasises the importance of rigorous management of the EU's external borders;

38. Expresses grave concern about consistent reports of violent pushbacks by law enforcement officials in some Member States; calls on the Commission and the Member States to investigate the matter and take effective measures to ensure that such policies and practices are scrapped, including by ensuring the independent monitoring of border control activities by existing national human rights institutions (Ombudsman institutions, NHRIs, NPMs), supported by EU and international bodies (Council of Europe Commissioner for Human Rights, CPT, ECRI, FRA) and ensuring that EU funding is not being used to perpetrate fundamental rights violations; calls on the Commission and the Member States to respect international and EU law, as well as the Charter to provide a broad framework to enable orderly migration and avoid forcing migrants to use irregular migration channels;

⁽⁶⁵⁾ Joined Cases C-203/15 and C-698/15 -Tele2 Sverige, and joined cases C-293/12 and C-594/12 — Digital Rights Ireland.

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39. Condemns the fact that some Member States have adopted laws, policies and practices that undermine the effective protection of the human rights of refugees, asylum seekers and migrants, on land and at sea; calls on the European Commission and Member States to put the human rights of migrants, asylum seekers and refugees, as well as the principle of responsibility sharing, at the centre of its migration and asylum policies; Expresses grave concern over the humanitarian situation in hotspots; Calls on the Commission to propose an urgent solution to resolve the flagrant human rights violations in reception centres for refugees and migrants on European soil;

40. Stresses that the saving of lives is a legal obligation under international law and EU law; condemns the intimidation, arrests and criminal proceedings initiated in some Member States against civil society organisations and individuals for providing humanitarian assistance to migrants, whose lives are at risk; calls on Member States to ensure that acts of humanitarian assistance are not criminalised in line with the UN Smuggling Protocol;

41. Stresses that undocumented migrants should be able to fully enjoy their basic fundamental rights, no matter what their legal or administrative status is; recalls that women and children may find themselves forced into sexual activities in order to seek protection or basic support to survive, and that this is often due to gaps in assistance, failures of registration systems and of compliance with the principle of the best interests of the child, family separation or the absence of safe and legal means of entry into the EU;

42. Highlights that almost a third of asylum seekers are children and are therefore particularly vulnerable; calls on the EU and its Member States to step up their efforts to prevent unaccompanied minors from becoming victims of trafficking and sexual exploitation;

43. Encourages the EU and the Member States to devote sufficient resources to undermining the business model of trafficking networks and smugglers, which routinely puts the most vulnerable groups such as children and women in life-threatening situations, as well as to protecting many from the risk of setting out on dangerous and uncontrolled migration routes where they will not have access to official asylum procedure;

44. Reiterates that immigration detention of children is never in the child's best interest in line with the New York Declaration for Refugees and Migrants; calls on the EU and the Member States to step up action to end the detention of children, particularly in the context of migration across the EU, and to work out community-based alternatives to detention, as well as prioritising integration, education and psychological support; stresses that an unaccompanied child is above all a child who is potentially in danger and that child protection, rather than migration policies, must be the leading principle for Member States and the European Union when dealing with them, thus respecting the core principle of the child's best interests;

Rule of law and fight against corruption

45. Reiterates that corruption is a serious threat to democracy, the rule of law and fair treatment for all citizens; highlights the link between corruption and fundamental rights violations in a number of areas such as the independence of the judiciary, media freedom and freedom of expression of journalists and whistle-blowers, detention facilities, access to social rights, or trafficking of human beings ⁽⁶⁶⁾;

46. Calls on the EU institutions and the Member States to resolutely fight corruption, and to devise effective instruments for preventing, combating and sanctioning corruption, and fighting fraud, as well as regularly monitoring the use of public funds; calls on the Commission to immediately resume its annual anti-corruption monitoring and reporting, with reference to the EU institutions and the Member States; calls on all the Member States to comply with the GRECO recommendations;

47. Stresses that organised crime is primarily enabled by corruption; strongly condemns the increase in the trafficking of human beings and urges the Member States and the EU institutions to increase cooperation and step up their fight against organised crime;

⁽⁶⁶⁾ <https://rm.coe.int/factsheet-human-rights-and-corruption/16808d9c83>

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48. Reaffirms Parliament's support for the rapid establishment of an efficient, independent and fully operational European Public Prosecutor's Office (EPPO) in order to strengthen the fight against fraud in the European Union;

49. Underlines that the rule of law is a cornerstone of democracy, maintains the separation of powers, ensures accountability, contributes to trust in public institutions and guarantees the principles of legality, legal certainty, prohibition of arbitrariness of the executive powers, judicial independence, impartiality, and equality before the law; stresses that the rule of law and judicial independence in particular are critical for citizens' ability to enjoy their fundamental rights and freedoms; points out that under Article 47 of the Charter, the fundamental right to an effective remedy requires access to an 'independent' tribunal; highlights that political influence or control of the judiciary and similar barriers to the independence of individual judges have often resulted in the judiciary being unable to fulfil its role as an independent check on the arbitrary use of power by the executive and legislative branches of government; condemns the use of the judicial system for political purposes, which seek to damage, delegitimize and silence political dissent;

50. Recalls the intrinsic link that exists between the rule of law and fundamental rights and the need to increase awareness of the values enshrined in Article 2 TEU and the Charter by providing information about citizens' rights;

51. Strongly condemns the efforts of the governments of some Member States to weaken the separation of powers and the independence of the judiciary; expresses its deep concern, in particular, about decisions which call into question the primacy of European law and calls on the Commission to use all available means to take action against these attacks;

52. Calls on the Commission to address in a timely manner all Article 2 TEU violations, in particular those affecting fundamental rights, in the framework of its announced rule of law review cycle; reiterates the critical need for an EU mechanism on democracy, the rule of law and fundamental rights as proposed by Parliament, including an annual independent, evidence-based and non-discriminatory review assessing all Member States' compliance with Article 2 TEU; highlights that Article 2 TEU violations undermine mutual trust among the Member States and make cross-border judicial cooperation untenable;

53. Regrets the lack of progress in the ongoing Article 7 proceedings in the Council despite reports and statements by the Commission, the UN, the OSCE and the Council of Europe indicating that the situation in the Member States concerned has deteriorated; calls on the Council to take into consideration the situation of fundamental rights, democracy and the rule of law in its hearings on Article 7(1) procedure; reminds that the European Parliament cannot be set aside from these ongoing hearings;

54. Calls on the Commission and the Council to make full use of all the tools at their disposal to address risks of serious breaches of the rule of law and to move forward with the on-going Article 7 procedures; points out that the ineffectiveness of the EU's action to protect fundamental rights endangers the entirety of EU law and citizens' rights based thereon and weakens the EU's credibility;

Prison conditions

55. Is alarmed by substandard prison conditions in certain Member States; calls on the Member States to comply with the rules on detention derived from the instruments of international law and Council of Europe standards; recalls that pre-trial detention is intended to be an exceptional measure, to be used only in cases where it is strictly necessary, proportionate, and for the shortest possible period of time and regrets the continued overuse of pre-trial detention instead of alternative measures which do not involve the deprivation of liberty; recalls that vulnerable groups of prisoners such as women, juveniles, ethnic minorities, LGBTI prisoners, prisoners with mental healthcare needs or seriously ill prisoners have particular needs, which must be taken into account; calls on the Commission to adopt common EU standards on prison conditions in order to protect the rights of prisoners and promote detention standards in the EU;

EU accession to the ECHR

56. Recalls the obligation laid down in article 6 TEU to accede to the ECHR; calls the Commission to take the necessary steps to eliminate the legal barriers that prevent the conclusion of the accession process, and to present a new draft agreement for the accession of the EU to the ECHR; considers that its completion would introduce further safeguards protecting the fundamental rights of EU citizens and residents and provide an additional mechanism for enforcing human rights, namely the possibility of lodging a complaint with the ECtHR in relation to a violation of human rights derived from an act by an EU institution or a Member State implementing EU law, falling within the remit of the ECHR;

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57. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
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The deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni

European Parliament resolution of 26 November 2020 on the deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni (2020/2880(RSP))

(2021/C 425/13)

The European Parliament,

- having regard to its previous resolutions on Algeria, in particular that of 28 November 2019 on the situation of freedoms in Algeria ⁽¹⁾ and that of 30 April 2015 on the imprisonment of workers and human rights activists in Algeria ⁽²⁾,
- having regard to the EU Annual Report on Human Rights and Democracy in the World 2019 of 15 June 2020,
- having regard to the International Commission of Jurists' briefing paper 'Flawed and inadequate: Algeria's Constitutional Amendment Process', published in October 2020,
- having regard to the joint letter of 29 September 2020 signed by 31 local, regional and international civil society organisations denouncing the crackdown on Algerian civil society,
- having regard to the four communications sent to the Algerian Government between 30 March and 16 September 2020 by the Special Procedures of the UN Human Rights Council on arbitrary and violent arrests, unfair trials and reprisals against human rights defenders and peaceful activists,
- having regard to the EU-Algeria Association Agreement and notably Article 2 thereof, which stipulates that respect for democratic principles and fundamental human rights must constitute an essential element of the agreement and inspire the domestic and international policies of the parties thereto,
- having regard to the 11th EU-Algeria Association Council,
- having regard to the shared partnership priorities adopted under the revised European neighbourhood policy by Algeria and the European Union on 13 March 2017,
- having regard to the Council conclusions of 19 November 2020 on the EU Action Plan on Human Rights and Democracy 2020-2024, and in particular to its EU human rights defenders mechanism established to protect and support journalists and media workers,
- having regard to the Algerian Penal Code, and in particular to Articles 75, 79, 95 bis, 98, 100, 144, 144 bis, 144 bis 2, 146 and 196 bis thereof,
- having regard to the EU Guidelines on human rights defenders, on the death penalty, on torture and other cruel, inhuman or degrading treatment or punishment, and on freedom of expression online and offline, and to the EU Strategic Framework and Action Plan on Human Rights and Democracy,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and the Convention on the Rights of the Child, all four ratified by EU Member States and Algeria,
- having regard to Opinion 7/2020 on the detention of Fadel Breika adopted by the UN Working Group on Arbitrary Detention (WGAD),

⁽¹⁾ Texts adopted, P9_TA(2019)0072.

⁽²⁾ Texts adopted, P8_TA(2015)0188.

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- having regard to the third Universal Periodic Review (UPR) on Algeria, adopted by the UN Human Rights Council at its 36th session on 21 and 22 September 2017,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the African Charter on Human and Peoples' Rights (ACHPR),
 - having regard to the 2020 World Press Freedom Index produced by Reporters without Borders,
 - having regard to the Universal Declaration of Human Rights of 1948 and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
 - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas beginning in February 2019 Algeria experienced an unprecedented protest movement (Hirak) in reaction to the prospect of a fifth mandate for the then President Abdelaziz Bouteflika; whereas peaceful demonstrations against government corruption and calling for a civic state, an independent judiciary, democratic reform, transparency and an inclusive framework to prepare for free elections took place regularly throughout the country on Fridays and Tuesdays, and continued for an entire year, including during the electoral process; whereas these significant weekly demonstrations were voluntarily halted in March 2020 on account of the COVID-19 pandemic, although the protest movement has continued on social media;
- B. whereas, following the resignation of President Bouteflika on 2 April 2019 in response to the Hirak movement and two subsequent election postponements during which the military leadership played a prominent role, Algeria held presidential elections on 12 December 2019 through which former Prime Minister Abdelmadjid Tebboune became President; whereas the Hirak movement denounced the list of candidates for their ties to the former administration and boycotted the elections, for which the official turnout rate was under 40 %;
- C. whereas political arrests and arbitrary detention of peaceful Hirak and trade union activists, as well as journalists, have increased since the summer of 2019, in violation of the fundamental rights to a fair trial and due process of law; whereas censorship, trials and severe punishment of independent media, often accused of plotting with foreign powers against national security, continue to worsen despite the official end of the Bouteflika government; whereas security restrictions introduced to fight the COVID-19 pandemic contributed to tightened controls, and are being used by the authorities to further restrict civic space, limit peaceful dissent and hamper freedom of speech and expression;
- D. whereas against this backdrop of repression currently taking place in Algeria, there are more and more allegations of torture being practised in police stations and in the General Directorate for Internal Security (DGSI) in Algiers, as in the case of prisoner Walid Nekkiche;
- E. whereas between 30 March and 16 April 2020 three communications were sent to the Algerian Government by UN Special Procedures in relation to arbitrary and violent arrests, unfair trials and reprisals against human rights defenders and peaceful activists, with a fourth communication on 27 August 2020 regarding Mohamed Khaled Drareni;
- F. whereas Mohamed Khaled Drareni, a correspondent for TV5 Monde, representative of Reporters Without Borders (RSF) and director of the Casbah Tribune news website, was sentenced in August 2020 to three years in prison and a fine of 50 000 Algerian dinars for filming police attacking demonstrators in Algiers; whereas the official charges against him were 'inciting an unarmed gathering' and 'undermining the integrity of the national territory'; whereas on 15 September 2020 his sentence was reduced to two years on appeal; whereas on 16 September 2020 the Special Rapporteurs and Working Group of the UN Special Procedures condemned his prison sentence in the strongest possible terms, called on the Algerian authorities to ensure his immediate release, and described his conviction as a clear violation of the freedom of expression, peaceful assembly and of association;
- G. whereas Mohamed Khaled Drareni covered the twice-weekly Hirak protests from their start in February 2019; whereas his exposure of the Algerian Government's harsh crackdown on peaceful assembly and freedom of expression led to him being subjected to detention, interrogation and intimidation for his coverage of the Hirak protests three times prior to his conviction, specifically on 14 May 2019, 9 August 2019 and 9 January 2020, as well as to bribery attempts by

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government officials on two occasions; whereas he was told that his last detention served as a final warning prior to his referral to the judicial system; whereas on 7 March 2020 Mohamed Khaled Drareni was arrested during a Hirak protest; whereas Drareni was released on 10 March 2020 but rearrested on 27 March 2020;

- H. whereas on the day of his first arrest over 20 other peaceful demonstrators were taken into custody; whereas two of those arrested were detained for brandishing the Amazigh flag; whereas the Amazigh flag is widely used during the Hirak protests; whereas General Ahmed Gaid Salah outlawed the use of the flag in June 2019; whereas in recent months former regime officials have embarked on a smear campaign against the population of the majority Amazigh Kabylie region that could lead to ethnic divisions within the Hirak movement; whereas Amazigh and Hirak activists, including Yacine Mebarki, continue to face arbitrary arrest for expressing dissenting religious and political views;
- I. whereas the Hirak protests were reclaiming public space for citizens; whereas, in particular after the Hirak movement moved online to prevent the spread of COVID-19, the restrictions on freedom of expression and the limitations imposed on journalists have been tightened, in particular through the blocking of internet sites, censorship of television programmes and the detention and harassment of journalists, media managers, and protesters expressing their views on social media, with at least six online news websites having been made unavailable on Algerian networks in April and May 2020;
- J. whereas between March and June 2020 local rights groups estimate that at least 200 people were subjected to arbitrary arrest for expressing their opinion or for alleged support to the Hirak movement; whereas the National Committee for the Liberation of Detainees (CNLD) documented at least 91 prisoners of conscience in detention as of 17 November 2019, up from 44 in late August, with a number of them in pre-trial detention for an indefinite duration; whereas the risk of an outbreak of COVID-19 in prisons poses an additional threat to those detained for expressing their political views; whereas on 25 March 2020, in the context of the COVID-19 pandemic, the UN High Commissioner for Human Rights, Michelle Bachelet, called for the release of political prisoners and of those detained for expressing critical views;
- K. whereas since January 2020, 41 femicides have been recorded by activists, notably Feminicides-dz; whereas in 2020 women rights' movements have intensified their denunciation of the increasing violence against women and the number of femicides, as well as calling for the review of current laws, especially the Family Code and a number of articles in the Penal Code, in order to guarantee full equality between women and men;
- L. whereas in April 2020 Algeria also adopted amendments to the Penal Code through Law 20-06 that further restrict and criminalise the exercise of fundamental rights such as freedom of the press, freedom of expression and freedom of association on the artificial grounds that they are 'fake news' undermining the Algerian state; whereas the Algerian authorities are increasingly using vague articles of the Penal Code, including those added in April 2020, to prosecute people who exercise their rights to freedom of opinion and expression, and peaceful assembly and association; whereas a first-time offence carries a maximum sentence of five years' imprisonment if committed during 'a time of a public health lockdown or a natural, biological or technological disaster or any other form of disaster';
- M. whereas, in the context of the crackdown on civic space, the Algerian authorities have advanced a top-down constitutional revision process, purportedly as part of President Tebboune's inaugural commitment to 'build a new Algeria' in response to the Hirak protests, but which lacks broad support across Algerian society, and which has been criticised by independent civil society organisations for being in violation of international standards of inclusivity, participation, transparency, and sovereignty in constitution-making; whereas the concurrent mass arrest of civil society activists and journalists fully undermined the public legitimacy of the constitutional revision process;
- N. whereas Algeria held a referendum on 1 November 2020 on the revision of the Constitution, including a two-term limit on the presidency; whereas the referendum saw Algeria's lowest turnout since its independence in 1962, with an official turnout of 23,7 %; whereas the new Constitution was officially approved by 66,8 % of voters; whereas the new Constitution is pending ratification upon the President's return to Algeria;

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- O. whereas Algeria's Constitution maintains the conditionality of freedom of the press, officially granted under Article 54 of the revised Constitution, on respect for the 'traditions and religious, moral and cultural values of the Nation'; whereas such limitations on press freedom violate the ICCPR, which Algeria has ratified; whereas the UN Human Rights Committee's General Comment No 34 declares that 'no media outlets can be penalised for criticising a political or social system'; whereas the revision also introduces a dangerous change by constitutionalising the political role and powers of the army; whereas the constitutional reform also maintains the dominance of the Presidency over all institutions, including the judiciary;
- P. whereas the National Union of Magistrates (SNM) has denounced the Algerian authorities' pervasive and abusive recourse to pre-trial detention; whereas members of the judiciary were subjected to professional sanctions after acquitting peaceful activists or after they demanded respect for judicial independence from the executive authorities;
- Q. whereas in 2020 Algeria is ranked 146th out of 180 in the World Press Freedom Index by Reporters without Borders, five places lower than in 2019 and 27 places lower than in 2015;
- R. whereas Algeria is a key partner for the European Union within the framework of the European Neighbourhood Policy, with important political, economic and people-to-people interests in the country and in the region; whereas the EU-Algeria Partnership Priorities are the expression of a shared commitment to the universal values of democracy, the rule of law and human rights;
1. Strongly condemns the escalation of arbitrary and unlawful arrests, detentions and judicial harassment of journalists, human rights defenders, trade unionists, lawyers, civil society and peaceful activists in Algeria, which has not allowed any space for political dialogue on the undemocratic constitutional revision and the exercise of the freedoms of expression, assembly and association; denounces the use of the introduction of emergency measures in the context of the COVID-19 pandemic as a pretext for limiting the fundamental rights of the Algerian people;
2. Calls on the Algerian authorities to immediately and unconditionally release Mohamed Khaled Drareni and all those detained and charged for exercising their right to freedom of expression, both online and offline, and to freedom of assembly and association, including Yacine Mebarki, Abdellah Benaoum, Mohamed Tadjadit, Abdelkrim Zeghileche, Walid Kechida, Brahim Laalami, Aissa Chouha, Zoheir Kaddam, Walid Nekkiche, Nourreddine Khimoud and Hakim Addad; reiterates the call of the UN High Commissioner for Human Rights, Michelle Bachelet, in light of the COVID-19 pandemic, for the urgent release all political prisoners and those detained for expressing dissenting views; calls on the Algerian authorities to unblock media outlets and to put a stop to the arrest and detention of political activists, journalists, and human rights defenders, or anyone who expresses a dissenting view or criticism of the government;
3. Reiterates that the freedom of expression, including the freedom of journalists and citizen journalists to report, analyse, and provide commentary on protests or any other expression of discontent with the government or government-related institutions or individuals, is fundamental to a fully democratic political transition;
4. Expresses its solidarity with all Algerian citizens — women and men, from diverse geographic, socioeconomic and ethnic backgrounds — who have been peacefully demonstrating since February 2019 to demand a civilian-controlled state, popular sovereignty, respect for the rule of law, social justice and gender equality; calls on the Algerian authorities to take appropriate steps to fight corruption;
5. Reiterates its call on the Algerian authorities to put an end to any form of intimidation, judicial harassment, criminalisation or arbitrary arrest and detention of critical journalists, bloggers, human rights defenders, lawyers, and activists, and to take appropriate steps to ensure and guarantee to all the right to freedom of expression, association and peaceful assembly, freedom of the media, and freedom of thought, conscience and religion or belief, which are guaranteed by the Algerian Constitution and by the ICCPR, which Algeria has signed and ratified; condemns any form of excessive use of force by law enforcement officials in dispersing peaceful protests; reiterates its call on the Algerian authorities to conduct independent investigations into each case of excessive use of force by law enforcement officials, and to hold all perpetrators to account; calls on the Algerian authorities to implement their international commitments under UNCAT;

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6. Notes that, since Parliament adopted its resolution of 28 November 2019, some political activists have been provisionally released, such as the opposition figure Karim Tabbou, Mustapha Bendjema, and Khaled Tazaghart;

7. Urges the Algerian authorities to ensure the establishment of a free civic space that allows for a genuine political dialogue and does not criminalise fundamental freedoms, by adopting new legislation which is fully in line with international standards and which does not provide for exceptions that are illegal under international law, in particular the conventions that Algeria has ratified, including those by the International Labour Organization (ILO); emphasises that this free civic space is a prerequisite for a democratic and civilian-led Algeria; deplores the fact that foreign reporters still face administrative obstacles and obstructions in obtaining press visas to work in the country;

8. Recalls that respect for the democratic principles and fundamental rights established by the Universal Declaration of Human Rights is one of the essential elements of the 2005 EU-Algeria Association Agreement; underlines that the ongoing political transition must ensure the right of Algerians of all genders and of all geographic, socioeconomic and ethnic backgrounds, including Imazighen, to fully participate in the democratic process and to exercise their right to take part in the conduct of public affairs, including by reversing the decline of space for an independent civil society, journalism and political activism;

9. Expresses concern about restrictive new laws, such as Law 20-06, which arbitrarily criminalises the dissemination of 'fake news' undermining the honour of public officials and the financing of associations; stresses that this law contains several provisions violating international standards on freedom of expression and freedom of association, including Articles 19 and 22 of the ICCPR;

10. Urges the Algerian authorities to review the current restrictive Law 12-06 of 2012 on Associations, and Law 91-19 of 1991 on Public Meetings and Demonstrations, which sets up a regime of prior authorisation, and to ensure that the relevant administrative authority will issue a registration receipt without delay to several civil society, non-governmental, religious and charitable organisations that have applied for re-registration;

11. Deplores the amendments to Algeria's Penal Code in April 2020 restricting freedom of the press, freedom of expression and freedom of association; urges the Algerian authorities to review the Penal Code and in particular Articles 75, 79, 95 bis, 98, 100, 144, 144 bis, 144 bis 2, 146 and 196 bis, in line with ICCPR and the ACHPR in order to stop the criminalisation of freedom of expression and of peaceful assembly and association;

12. Welcomes the fact that Article 4 and 223 of the revised Constitution strengthen the status of Tamazight as a national and official language; emphasises that such declarations must not serve as a means to disregard the structural problems faced by the Tamazight or sow division within the Hirak movement; calls on the Algerian authorities to safeguard equality of treatment before the law in the use of Arabic and Tamazight; urges the Algerian Government to overturn the ban on brandishing the Amazigh flag and to immediately release anyone imprisoned for displaying Amazigh symbols;

13. Supports the Algerian lawyers and other legal practitioners who persist in seeking to uphold the highest standards of justice in spite of the context and the risks entailed; calls on the Algerian authorities to fully guarantee the independence of the judiciary and the impartiality of the justice system, and to cease and prohibit any restrictions, improper influences, pressures, threats or interference in judicial decision-making and other judicial issues;

14. Calls on the Algerian authorities to ensure both full accountability and civilian and democratic oversight of the armed forces, and their effective subordination to a legally constituted civilian authority, and to guarantee that the role of the military is adequately defined in the Constitution and expressly limited to matters of national defence;

15. Urges the Algerian authorities to allow international human rights organisations and UN Special Procedures access to the country;

16. Expresses concern about the administrative hurdles that religious minorities are facing in Algeria, and in particular regarding Ordinance 06-03; encourages the Algerian Government to revise Ordinance 06-03 to bring it further into line with the Constitution and with its international human rights obligations, in particular Article 18 of the ICCPR; calls for respect for the freedom of worship of all religious minorities;

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17. Expects the EU to position the situation of human rights at the heart of its engagement with the Algerian authorities, notably during the forthcoming EU-Algeria Association Council; calls on the European External Action Service (EEAS) to draw up and provide a list of individual cases of particular concern, including those mentioned in this resolution, and to regularly report back to Parliament on progress towards resolving these cases;

18. Calls on the EEAS, the Commission and the Member States, together with the EU Special Representative for Human Rights, to support civil society groups, human rights defenders, journalists, and protesters, including by adopting a more assertive public position on respect for human rights and the rule of law in Algeria, by clearly and publicly condemning human rights violations, by urging authorities to release arbitrary detainees and to stop the excessive use of pre-trial detention, by requesting access to detainees and monitoring trials of activists, journalists and human rights defenders, and by closely monitoring the human rights situation in Algeria, using all available instruments;

19. Underlines the importance of EU-Algeria relations with Algeria as an important neighbour and partner; recalls the importance of a strong and deep EU-Algerian relationship and reaffirms its commitment to fostering these relations, based on full respect for common values such as respect for human rights, democracy, rule of law, and freedom of the media;

20. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the EU Delegation in Algiers, the Government of Algeria, the UN Secretary-General, the UN Human Rights Council and the Council of Europe.

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P9_TA(2020)0330

Situation in Ethiopia

European Parliament resolution of 26 November 2020 on the situation in Ethiopia (2020/2881(RSP))

(2021/C 425/14)

The European Parliament,

- having regard to its previous resolutions on Ethiopia,
- having regard to the statement of 9 November 2020 by High Representative / Vice-President Josep Borrell on the latest developments in Ethiopia,
- having regard to the joint statement of 12 November 2020 by High Representative / Vice-President Josep Borrell and Commissioner for Crisis Management Janez Lenarčič on Ethiopia,
- having regard to the statement of 19 November 2020 by Commissioner for Crisis Management Janez Lenarčič entitled ‘Tigray conflict: EU humanitarian support to Ethiopian refugees reaching Sudan’,
- having regard to the statement of 4 November 2020 by the UN Secretary-General,
- having regard to the statements of 6 and 13 November 2020 by UN High Commissioner for Human Rights Michelle Bachelet on Tigray,
- having regard to the informal talks of 24 November 2020 in the UN Security Council on the ongoing conflict in Ethiopia’s Tigray region,
- having regard to the situation report of the UN Office for the Coordination of Humanitarian Affairs (OCHA) on Ethiopia, released on 11 November 2020,
- having regard to the statement of 9 November 2020 by the Chairperson of the African Union Commission, H.E. Moussa Faki Mahamat, on the situation in Ethiopia,
- having regard to the statement of 9 November 2020 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly,
- having regard to the statement of 19 November 2020 by the EU Member States’ foreign affairs ministers,
- having regard to the Constitution of the Federal Democratic Republic of Ethiopia adopted on 8 December 1994, and in particular the provisions of Chapter III on fundamental rights and freedoms, human rights and democratic rights,
- having regard to the Universal Declaration of Human Rights,
- having regard to the African Charter on Human and Peoples’ Rights,
- having regard to the African Charter on Democracy, Elections and Governance,
- having regard to the UN International Covenant on Civil and Political Rights,
- having regard to the second revision of the Cotonou Agreement,
- having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas the current armed conflict between the Federal Government of Ethiopia and the regional administration of Tigray, led by the Tigray People’s Liberation Front (TPLF), has caused hundreds of civilian deaths and the mass displacement of people;

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- B. whereas on 4 November 2020 the Ethiopian Government declared a state of emergency and launched military operations in the northern Tigray region the day after a reported attack by the TPLF against the federal government military base in the Tigray region; whereas since then there have been armed confrontations between federal forces (Federal Army, Amhara Region's Special Police Force and Amhara local militia) on the one side and regional forces (Tigray Special Police Force and militia) loyal to the TPLF on the other;
- C. whereas the political divergence between the PP and the TPLF was further accentuated when the federal government postponed national elections, scheduled for May 2020, due to the COVID-19 crisis;
- D. whereas in September 2020 the TPLF-led Tigray regional administration held its own election, which was declared illegal by the Ethiopian Government since its term was supposed to end in September 2020; whereas the federal parliament deemed the electoral process in the Tigray region to be illegal; whereas Tigray's leadership announced that it no longer recognised the federal administration or its laws; whereas on 3 November 2020 the federal parliament declared the TPLF a 'terrorist group';
- E. whereas on 8 November 2020 the TPLF approached the African Union to suggest talks, but the federal government ruled out any possibility of negotiations with the TPLF and rejected international calls for dialogue and mediation, arguing that the Tigray conflict is an internal matter that should not be internationalised; whereas the EU has offered its support in order to help de-escalate tensions, return to dialogue and secure the rule of law throughout Ethiopia;
- F. whereas in 2018 Abiy Ahmed achieved a historic peace deal with Eritrea, ending more than a decade-long suspension of diplomatic and commercial ties between the two countries; whereas the Abiy government took significant steps to free journalists and political prisoners, allow previously banned opposition groups to operate, and adopt new laws on civil society organisations and on countering terrorism; whereas the government has recently come under criticism due to the detention of opposition politicians; whereas concerns remain at the adoption of a new law aimed at curbing hate speech and disinformation, which may adversely affect freedom of expression;
- G. whereas some political groups linked to ethnic groups in Ethiopia that feel marginalised by Ethiopia's federalist system of government allege that this system has resulted in ethnic favouritism and discrimination;
- H. whereas in June 2020 widespread violence broke out following the death of Hachalu Hundessa, a singer and activist from the Oromo region, with hundreds being killed and arrested; whereas on 1 November 2020 more than 50 Amhara people were killed in attacks on three villages which are being widely viewed as ethnically motivated and possibly carried out by the Oromo Liberation Army (OLA), a breakaway militia from the Oromo Liberation Front (OLF);
- I. whereas, according to the National Amhara Movement, the Ethiopian authorities banned peaceful protests — against ethnically motivated killings — which were due to take place on 28 October 2020;
- J. whereas, according to international human rights organisations, there have been several incidents of indiscriminate killings of civilians in different parts of Tigray since the beginning of the conflict, including a massacre that took place on the night of 9 November 2020 in Mai-Kadra in the Tigray region, where the killing of hundreds of civilians could amount to war crimes;
- K. whereas, according to international human rights organisations, Tigrayan residents elsewhere in the country have been suspended from their jobs and prevented from flying externally; whereas there are reports of physical and digital surveillance, mass arbitrary arrests and detentions;
- L. whereas Tigray's President confirmed that his forces had fired rockets targeting Eritrea's Asmara airport;

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- M. whereas the deadly fighting between the Ethiopian federal forces and the TPLF has raised international concern about the risks involved in intensifying existing security situations or sparking new ones in Ethiopia, which could have repercussions on neighbouring countries and potentially destabilise the entire Horn of Africa region; whereas Ethiopia has withdrawn troops from Somalia who were fighting Islamist insurgents; whereas the Kenyan authorities have scaled up security at the border with Ethiopia amid fears of escalating tensions;
- N. whereas the EU's development cooperation with Ethiopia is one of the largest in the world amounting to EUR 815 million for the 2014-2020 period; whereas Ethiopia is also one of the major beneficiaries of the EU Emergency Trust Fund for Africa, with over EUR 271,5 million for 2015-2019; whereas in 2020 the EU is providing EUR 44,29 million to humanitarian projects in Ethiopia by supporting the provision of live-saving assistance to internally displaced people uprooted by violence or natural hazards;
- O. whereas the UN Office for the Coordination of Humanitarian Affairs (OCHA) has demanded access to the Tigray region, which remains totally isolated (internet and telephone access have been cut off) since the beginning of the fighting; whereas, according to the UNHCR, the lack of electricity, telecommunications, access to fuel and cash limit any humanitarian aid response in Tigray and in the rest of Ethiopia, including tending to those wounded and killed in the fighting;
- P. whereas even before the fighting began there were 15,2 million people in need of humanitarian assistance in Ethiopia, 2 million of them in Tigray region; whereas the Tigray region is the fifth most populated region in Ethiopia with over 6 million people, and is home to 100 000 internally displaced people and 96 000 Eritrean refugees; whereas it has several important refugee camps in which, according to NGOs, 44 % of those living there are children;
- Q. whereas Ethiopia is a signatory to the Cotonou Agreement, Article 96 of which stipulates that respect for human rights and fundamental freedoms is an essential element of ACP-EU cooperation;
- R. whereas the fighting has caused thousands of deaths and injuries on both sides and has resulted in grave human rights violations and violations of international humanitarian law; whereas, according to the UNHCR, as of 22 November 2020 over 38 500 refugees had fled the conflict and crossed the border into Sudan; whereas the UN has warned of a 'large-scale humanitarian crisis' and its agencies are planning for the possible arrival of 200 000 refugees over a six-month period; whereas the fighting is also causing the internal displacement of the population; whereas the UNHCR has already asked the two parties to the conflict to open corridors to allow people to leave and supplies to arrive at the same time; whereas international humanitarian organisations on the ground are ill-equipped and face shortages of supplies needed to treat newly arriving refugees and victims of violence; whereas the UN agencies are seeking USD 50 million in immediate funding which will go towards providing food and setting up new camps; whereas the European Commission is mobilising an initial EUR 4 million in emergency assistance to help support the displaced people arriving in Sudan;
1. Is deeply concerned about recent developments in Ethiopia, including the ongoing violence and allegations of serious breaches of fundamental human rights; deplores the current armed conflict between the federal government of Ethiopia and the regional administration of Tigray led by the TPLF; calls on both parties to commit to an immediate ceasefire and to solve political divergences by democratic means within the framework of the country's constitution in order to find a lasting peaceful solution, establish a ceasefire monitoring mechanism, and work towards building national consensus through an inclusive dialogue;
 2. Expresses its solidarity with the victims and the families of those affected; deplores the loss of life and killings of innocent civilians and the extrajudicial killings, regardless of their perpetrators;
 3. Calls on Ethiopia's central government and the TPLF to take immediate action to de-escalate the conflict; insists that all actors strictly follow a human-centred security approach;

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4. Deplores the fact that access for humanitarian workers is currently severely restricted; calls on the Ethiopian Government to give humanitarian organisations immediate and unrestricted access to the areas where there is conflict in order to ensure humanitarian aid; warns of the danger of a major humanitarian crisis in the country, as well as in neighbouring states and the wider region;
5. Notes with concern the ultimatum issued by Prime Minister Abiy to Tigray forces urging them to surrender and stating that, otherwise a military assault on the regional capital Mekelle would be pursued;
6. Recalls that deliberate attacks against civilians constitute war crimes; calls on forces on both sides to respect international human rights and international humanitarian law and to ensure the protection of people in affected areas; urges all sides to the conflict, and regional authorities, to minimise harm to the civilian population and to ensure and allow access to basic services for civilians at all times;
7. Notes with grave concern that inter-ethnic tensions and violence are rising in Ethiopia; considers it of the utmost importance that the Ethiopian and Tigrayan authorities exercise responsible leadership by fostering an inclusive political environment for all actors and ethnic groups;
8. Urges the federal authorities to end the practice of arbitrary arrests and surveillance or otherwise targeting ethnic groups; calls on the Ethiopian authorities to take strong measures against any ethnic profiling and to ensure the protection of ethnic minorities across the country; calls on the Ethiopian Government to implement reforms that protect human rights and guarantee equal access to government services and resources for all ethnic groups;
9. Is deeply concerned about the growing spread of misinformation and the use of hate speech, pitting ethnic groups against one another to stoke the current conflict in Tigray; calls on all parties involved in the conflict to refrain from using inflammatory language and hate speech both off- and online; urges national and local authorities, media organisations and the public to refrain from engaging in incitement to violence towards, discrimination of, or hostility against populations at risk;
10. Calls on Ethiopia's neighbouring states, including Eritrea, as well as other states in the wider region, such as the countries of the Nile basin, to refrain from all political and military interventions that could fuel the conflict; emphasises that failure to do so risks destabilising the wider region with disastrous consequences for international peace and security; emphasises the crucial role Ethiopia's neighbouring states can play in providing diplomatic support towards de-escalation of the conflict;
11. Expresses its full support for African Union-led mediation and de-escalation efforts initiated by the South African presidency of the AU, notably the nomination of three AU Special Envoys, and calls on all parties involved to actively cooperate and engage with the AU's mediation efforts; calls on the Ethiopian authorities to cooperate with efforts by international organisations, such as the African Union, the IGAD and the European Union, to enter into an inclusive dialogue in an effort to achieve peace, security and stability in the country and in the region;
12. Is deeply concerned about the de facto communications blackout in the northern Tigray region; urges the Ethiopian Government to restore all forms of communication to Tigray as an act of accountability and transparency for its military operations in the region and to allow free communication among the people of Tigray; stresses the importance of, and the need for, access to information both online and offline, as the right of all people to be informed and to access information is particularly vital in a crisis situation; urges that independent reporting on the situation be allowed; insists on the importance of immediately granting independent media access to Tigray; urges the Ethiopian Government to fully respect the freedoms of expression, association and of the press, as provided for in the Ethiopian Constitution, and to release unjustly detained journalists and bloggers; firmly believes that peaceful protest is part of a democratic process and that responding with excessive force should be avoided under all circumstances;
13. Calls on all parties to the conflict to guarantee the safe and free movement of civilians and to ensure that the right of freedom of assembly is upheld;
14. Calls on all parties involved in the conflict in the northern Tigray region to guarantee unrestrained access to independent human rights monitors to ensure that international human rights standards are being upheld; calls on all sides in the conflict to work closely with relevant actors to conduct a transparent investigation into the Mai-Kadra massacre, and calls for the perpetrators of this crime to be held to account and prosecuted without delay;

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15. Calls on the Ethiopian federal authorities to conduct a thorough, independent, effective and impartial investigation into any and all killings and human rights violations, including use of excessive force, arbitrary detention and enforced disappearances, and calls on the Tigrayan authorities to cooperate in these investigations; calls on all Ethiopian authorities to actively combat impunity; reminds the Ethiopian Government of its obligations to guarantee fundamental rights, including access to justice and the right to a fair and independent trial, as provided for in the African Charter and other international and regional human rights instruments, including the Cotonou Agreement; insists that the Ethiopian authorities ensure that the fair and impartial rule of law is respected and upheld throughout Ethiopia;

16. Calls for close cooperation between EU humanitarian aid entities and the UNHCR, and for the UNHCR to continue to provide support to the refugees who have fled from this crisis, including near the areas they fled from; recalls that the Ethiopian Government is responsible for the safety and security of refugees and internally displaced persons on its territory; recalls that over 96 000 Eritrean refugees are mostly sheltered in refugee camps in the Tigray region; supports the appeals of the international community and humanitarian organisations for increased assistance to refugees and displaced persons;

17. Calls for the EU and its partners to support the Sudanese Government and local authorities in responding urgently to calls to host the Ethiopian refugees fleeing the fighting in the Tigray region; expresses its appreciation for Sudan's readiness to welcome refugees fleeing the conflict; highlights the urgent need for preparations for the arrival of up to 200 000 refugees in Sudan; notes that Ethiopia is an important country of destination, transit and origin for migrants; calls on the Commission and the Member States to ensure that all funded projects initiated within the framework of the EU Trust Fund for Africa respect human rights, in particular the rights of migrants and IDPs;

18. Calls for the urgent mobilisation, as well as the structured and concerted deployment, of additional resources by the EU and its Member States to address all-encompassing needs triggered by the conflict;

19. Welcomes the Ethiopian Government's commitment to holding general elections in 2021; urges all political actors across the country to engage in a political dialogue involving citizens from across the political, ideological, regional and ethnic spectrum ahead of the elections; firmly underlines that free, fair, inclusive and credible elections can only take place in an atmosphere free from intimidation, violence and harassment, with guaranteed freedom of speech and association, in line with international norms; regrets that the commitment to free elections has been undermined by the detention of several opposition politicians from across the political spectrum since June 2020 and by serious due process violations that undermine detainees' rights to a fair trial; calls on the authorities to release all those detained unless they are charged with legally recognisable offenses and can be prosecuted in accordance with international fair trial standards;

20. Expresses its commitment to the unity and territorial integrity of Ethiopia and calls on all actors inside Ethiopia to work towards the peaceful solution of any conflict inside the country;

21. Calls for the EU to continue to use all necessary diplomatic means to engage with the federal and regional authorities, as well as with regional partners and multilateral institutions, in order to resolve the conflict in a peaceful manner;

22. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the European External Action Service, the Federal Government and House of Federation of Ethiopia, the Tigrayan authorities, the Government of the Republic of Sudan, the governments of the IGAD, the African Union and its Member States, the Pan-African Parliament, and the ACP-EU Joint Parliamentary Assembly.

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P9_TA(2020)0331

The continuous violations of human rights in Belarus, in particular the murder of Raman Bandarenka**European Parliament resolution of 26 November 2020 on the continuous violations of human rights in Belarus, in particular the murder of Raman Bandarenka (2020/2882(RSP))**

(2021/C 425/15)

The European Parliament,

- having regard to its previous resolutions on Belarus, in particular those of 17 September 2020 on the situation in Belarus ⁽¹⁾, of 4 October 2018 on the deterioration of media freedom in Belarus, notably the case of Charter 97 ⁽²⁾, of 19 April 2018 on Belarus ⁽³⁾, of 6 April 2017 on the situation in Belarus ⁽⁴⁾, and of 24 November 2016 on the situation in Belarus ⁽⁵⁾,
- having regard to its recommendation of 21 October 2020 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on relations with Belarus ⁽⁶⁾,
- having regard to the European Parliament's Sakharov Prize for Freedom of Thought 2020, which was awarded to the democratic opposition in Belarus on 22 October 2020,
- having regard to the statement of the President of the European Parliament of 13 August 2020 and that of the leaders of the five political groups of 17 August 2020 on the situation in Belarus following the so-called presidential elections of 9 August 2020,
- having regard to the European Council conclusions of 1 October 2020 and of 16 October 2020, and to the Council conclusions on Belarus of 12 October 2020,
- having regard to the Council decision of 6 November 2020 to add 15 members of the Belarusian authorities, including Aliaksandr Lukashenka, to the list of sanctioned individuals, bringing the total number of Belarusians subject to a travel ban and asset freeze to 59; having regard to the Council decision of 17 February 2020 to prolong the 2004 EU embargo on arms and on equipment that could be used for internal repression regarding Belarus ⁽⁷⁾,
- having regard to the main outcome of the extraordinary meeting of the Foreign Affairs Council of 14 August 2020 and the conclusions by the President of the European Council of 19 August 2020 on the situation in Belarus following the presidential elections of 9 August 2020,
- having regard to the numerous recent declarations and statements by the VP/HR on Belarus, notably those of 11 August 2020 and 17 August 2020, and to the previous statements by the spokesperson of the European External Action Service (EEAS), in particular that of 13 November 2020 on the death of Raman Bandarenka, as well as those on the application of the death penalty in Belarus,
- having regard to the statement by the VP/HR of 7 September 2020 on arbitrary and unexplained arrests and detentions on political grounds and to the declaration by the High Representative on behalf of the European Union of 11 September 2020 on the escalation of violence and intimidation against members of the Coordination Council; having regard to the Joint Statement by the EU Delegation to Belarus on behalf of the EU Member States represented in Minsk, the British Embassy, the Embassy of Switzerland and the Embassy of the United States of America of 17 November 2020 on the deteriorating human rights situation in Belarus,

⁽¹⁾ Texts adopted, P9_TA(2020)0231.

⁽²⁾ OJ C 11, 13.1.2020, p. 18.

⁽³⁾ OJ C 390, 18.11.2019, p. 100.

⁽⁴⁾ OJ C 298, 23.8.2018, p. 60.

⁽⁵⁾ OJ C 224, 27.6.2018, p. 135.

⁽⁶⁾ Texts adopted, P9_TA(2020)0280.

⁽⁷⁾ OJ L 45, 18.2.2020, p. 3.

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- having regard to the UN statements on the situation in Belarus, in particular those of the UN Special Rapporteurs on human rights of 13 August 2020 and 19 November 2020 and of the spokesperson for the UN High Commissioner for Human Rights of 21 August 2020, 11 September 2020 and 13 November 2020, and those made during the urgent debate on the situation of human rights at the 45th session of the Human Rights Council of 18 September 2020,
 - having regard to the Report of the UN Special Rapporteur on the situation of human rights in Belarus of 17 July 2020, and to the UN Human Rights Council resolution of 17 September 2020 on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath,
 - having regard to the OSCE Rapporteur's Report under the Moscow Mechanism on Alleged Human Rights Violations related to the Presidential Elections of 9 August 2020 in Belarus of 5 November 2020,
 - having regard to the Universal Declaration of Human Rights and to all human rights conventions to which Belarus is a party,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas unprecedented peaceful protests and strikes continue in Belarus more than 100 days after they began, demonstrating the level of discontent and mobilisation of Belarusian society against the massive falsification of election results and the human rights violations perpetrated by the country's autocratic regime; whereas the continued protests peak during weekends in Marches of Unity, and the scale of the protests is unprecedented in the history of Belarus, with participants numbering in the hundreds of thousands;
- B. whereas the Belarusian authorities have reacted to the legitimate and peaceful protests with violence, repression, systematic intimidation, harassment, restrictions on fundamental freedoms, and inhumane treatment, including torture and sexual violence against people detained during protests, human rights defenders included; whereas human rights defenders have documented more than 500 cases of torture and ill-treatment, while several people are missing or have been found dead, including Alyaksandr Taraykouski, Konstantin Shishmakov, Artsyom Parukou, Alexander Vikhor and Gennady Shutov; whereas Belarus is the only country in Europe that still carries out capital punishment;
- C. whereas more than 25 000 Belarusians are estimated to have been detained at some point for protesting against the regime, both before and after the elections of 9 August 2020, including elderly persons, women and children; whereas most recently, on both 8 and 15 November 2020, more than 1 000 people were detained during ongoing peaceful protests; whereas there are over 125 political prisoners in Belarus;
- D. whereas Raman Bandarenka, a 31-year-old art teacher, was brutally beaten on the evening of 11 November 2020 by a group of plain-clothed, masked men reportedly with close ties to the Lukashenka regime; whereas Mr Bandarenka continued to be beaten in detention and after two hours was taken to hospital with head injuries from which he died the next day; whereas the authorities are trying to deflect responsibility by alleging that Mr Bandarenka was beaten by 'concerned citizens' and prosecuting the two whistle-blowers: a doctor and a journalist;
- E. whereas the Belarusian authorities failed to take immediate measures required by law to investigate the crime and more than 1 100 people commemorating Mr Bandarenka's death were detained across Belarus in the ensuing days; whereas Orthodox and Catholic Church representatives received notification from the Investigation Committee of Belarus of a violation of the law due to their condemnation of the destruction of the memorial commemorating Raman Bandarenka by the security forces;
- F. whereas instead of bringing to justice those responsible for Raman Bandarenka's death, the authorities are prosecuting those who are trying to find out the truth about the circumstances of his death; whereas the General Prosecutor's Office of Belarus initiated a criminal case on 19 November 2020 under Article 178(3) of the Criminal Code of Belarus ('Disclosure of a medical secret, resulting in grave consequences'); whereas Katsiaryna Barysevich, a journalist from the independent media organisation TUT.BY who wrote about the death of Raman Bandarenka, was subsequently arrested;

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- G. whereas the Belarus Ministry of Interior Affairs released a statement on 12 October 2020 announcing its willingness to use live ammunition against protesters; whereas the authorities used stun grenades and pepper spray, fired rubber bullets directly at individuals and fired shots into the air at several protests; whereas there are constant transport and communication obstructions, in particular restrictions on access to the internet, as a way to prevent and disperse protests;
- H. whereas the Belarusian authorities are continuing their violent crackdown on independent Belarusian reporters and citizen journalists and engaging in deliberate attempts to hamper objective reporting; whereas on 15 November 2020 alone, 23 journalists reporting from the protests held in memory of Raman Bandarenka in different Belarusian cities were arrested; whereas foreign media and journalists are not allowed into Belarus;
- I. whereas a total of 390 journalists have been prosecuted during and following the election period, 77 of which have served short jail sentences of up to 15 days on administrative charges; whereas as of 23 November 2020, 14 journalists are being held behind bars on administrative or criminal charges, according to the Belarusian Association of Journalists;
- J. whereas arbitrary detentions and arrests of journalists have often been accompanied by the use of force and resulted in damage to and the seizure of professional equipment, as well as the deleting of prepared video materials; whereas three female journalists have been injured by rubber bullets while carrying out their journalistic duties;
- K. whereas foreign correspondents who arrived to cover the elections were denied accreditation; whereas on 2 October 2020, the Belarusian Foreign Ministry cancelled the accreditation of all foreign journalists in the country, describing the move as part of a reform of the country's regulations and procedures for the media;
- L. whereas Belarusian children are targets of repression, as their parents are being threatened with losing custody for taking part in protests;
- M. whereas the EU has imposed sanctions against 40 individuals responsible for violence, repression and the falsification of the election results in Belarus; whereas on 6 November 2020, the European Council decided to add 15 members of the Belarusian authorities, including Aliaksandr Lukashenka and his son, to the list of sanctioned individuals; whereas further sanctions on individuals and companies are being prepared; whereas the Astravyets nuclear power plant started producing electricity on 3 November 2020, raising new concerns about its safety;
- N. whereas the Belarusian authorities have so far failed to investigate reports of police brutality and impunity for human rights violations remains widespread; whereas the absence of the rule of law impedes victims' right to a fair trial;
1. Condemns in the strongest possible terms the murder of Raman Bandarenka, and expresses its condolences to his family and to all families who have lost loved ones as a result of the repression of Lukashenka's regime;
 2. Demands prompt, thorough, impartial and independent investigations into Raman Bandarenka's death and the protest-related deaths of Alyaksandr Taraykouski, Alexander Vikhor, Artsyom Parukou, Gennady Shutov and Konstantin Shishmakov;
 3. Calls on the Belarusian authorities to immediately release all political prisoners, including Dr Artsyom Sarokin and journalist Katsiaryna Barysevich, who exposed an official cover-up of Raman Bandarenka's killing;
 4. Reiterates its support for Belarusian protesters in their demands for freedom, democracy, dignity and the right to choose their own destiny; condemns the ongoing human rights violations, intimidation and disproportionate use of force towards peaceful protesters;
 5. Demands the immediate release of the medical worker who handed the public interest information on Raman Bandarenka's death over to the media without violating the rights of the victim's family;
 6. Urges the Belarusian authorities to cease all forms of violence, ill-treatment, gender-based violence and torture against Belarusian citizens and detainees, to grant them access to medical and legal advice, and to release immediately and unconditionally all persons arbitrarily detained, including for participating in protests against the election results or against violence used by the authorities, or for expressing support for these protests;

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7. Firmly condemns any use of intimidation, harassment, arbitrary arrests and detentions, and mistreatment against citizens, and denounces human rights violations perpetrated by Belarusian state authorities or on their account; calls for an immediate halt to all forms of harassment of citizens, such as dismissal of employees or students for participating in strikes or protests, withdrawal of journalistic accreditation, punitive disruption of communal services such as water or heating, deprivation of child custodial rights, blocking of private bank accounts, and internet black-outs;

8. Calls on all Belarusian law enforcement employees and all those acting on the account of the Belarusian authorities to immediately stop using violence against civilians and to refrain from carrying out criminal orders and instructions on the use of disproportionate force, violence, torture and ill-treatment against citizens; calls for the introduction of a specific definition of torture into Belarus's Criminal Code in line with international human rights standards, and for legislative changes to criminalise enforced disappearance;

9. Denounces the authorities' total unwillingness to investigate cases of ill-treatment and torture by law enforcement officers while launching criminal investigations into peaceful citizens; underlines that this is testament to a deliberate and systematic policy of repression and impunity, further underlined by the fact that the police and special security forces involved continue to receive the highest honours for their participation in crimes against the people;

10. Rejects the results of the so-called presidential elections of 9 August 2020 and expresses its unequivocal support for the people of Belarus in their legitimate demands for an urgent end to authoritarian repression, for respect for fundamental freedoms and human rights, for democratic representation and political participation, and for new, free and fair elections in accordance with international standards and under the OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation;

11. Calls on all businesses operating in Belarus to exercise particular diligence and uphold their responsibility to respect human rights, in accordance with the UN Guiding Principles on Business and Human Rights;

12. Insists on the need to ensure citizens' rights to freedom of assembly, association, expression and opinion, as well as media freedom, and thus lift all restrictions in law and practice that impede these freedoms;

13. Reiterates the importance of establishing the rule of law in order to respect fundamental freedoms and human rights, as well as of a functioning independent judiciary in order to ensure the right to an attorney, a fair trial and legal recourse;

14. Calls on the Commission to increase its assistance to independent media in Belarus, whose survival and operations are essential to provide the Belarusian public, as well as the international community, with objective coverage of events in Belarus;

15. Strongly condemns the ongoing application of the death penalty and calls for its immediate and permanent abolition and, pending this, a moratorium on capital punishment and an effective right to appeal against death penalty sentences;

16. Calls on the Belarusian authorities to stop attacking, detaining and demonising journalists and media workers and to work towards meaningful protections for media freedom;

17. Calls for the EU to lend support to an international investigation of crimes perpetrated by the Lukashenko regime against the people of Belarus; believes that the investigation should be supported by the establishment of an evidence collection centre and an EU taskforce of international law experts to assist in future international investigations; calls on the Commission, the Member States and the EEAS to provide full support to the efforts of the UN Human Rights Council and the OSCE Moscow Mechanism, as well as human rights defenders and civil society, to ensure documentation and reporting of human rights violations and subsequent accountability and justice for victims;

18. Condemns the actions of the National Assembly of Belarus in stripping Belarusian citizens of their citizenship for political reasons;

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19. Condemns the crackdown on women human rights defenders, in particular the arrests of Marfa Rabkova and Marina Kostylianchenko from the Viasna Human Rights Centre, and calls for an immediate end to gender-based harassment of women activists;
20. Believes that the conferral of the award of its Sakharov Prize for Freedom of Thought 2020 to the democratic opposition in Belarus can take place in the form of a remote ceremony for the time being, in the light of the pandemic; stresses, however, that a physical ceremony should be organised once the situation allows;
21. Highlights that actions taken so far by the EU and the Member States against the Lukashenka regime are insufficient and welcomes the Council's decision to work on a third package of sanctions aimed at firms and oligarchs with ties to the Lukashenka regime; calls for a credible enlargement of the EU sanctions list;
22. Supports the initiation of an immediate European Parliament fact-finding mission to Vilnius and Warsaw, as well as engagement with the opposition in Belarus in order to explore possible mediation and democracy-support activities; underlines the need for further mediation and democracy-support activities, such as a High-Level Mission to follow the fact-finding mission;
23. Calls for a complete freeze on all EU fund transfers, including loans from the European Investment Bank, European Bank for Reconstruction and Development and others, to the current Belarusian Government and state-controlled projects; calls on the EEAS to suspend negotiations on the EU-Belarus Partnership Priorities until free and fair presidential elections have taken place;
24. Calls for the EU and the Member States to increase assistance to Belarusian civil society and to increase EU engagement with and support for independent civil society organisations, human rights defenders and independent journalists, in particular those in detention, by monitoring their trials; asks the Commission to urgently set up a scholarship programme for students and scholars exmatriculated from Belarusian universities for their pro-democratic stance; asks the Commission to launch a targeted EU assistance programme to help victims of political repression and police violence;
25. Condemns the expulsion of European diplomats from Belarus and calls for the EU and the Member States to consider lowering their level of diplomatic engagement with the country;
26. Deplores the requests sent by the Belarusian authorities to extradite Stsiapan Putsila and Roman Protasevich, the founders of the Warsaw-based Telegram Next and Nexta-live channels, who were added to the list of individuals involved in terrorist activities by the Belarusian State Security Committee (KGB);
27. Calls on the Member States and the Commission to implement the recommendations of the OSCE Moscow Mechanism rapporteur in relation to granting asylum in cases of persecution covered under the Geneva Refugee Convention; encourages Member States, in this context, to further facilitate the procedure for obtaining visas for those fleeing Belarus for political reasons and to extend to them and their families all the support and assistance necessary;
28. Condemns the suppression of the media and access to the internet, the spread of disinformation, and the beating, arrests and intimidation of journalists and bloggers; underscores the right of the people of Belarus to have unhindered access to information; calls for the EU to use its instruments to support outlets and journalists subjected to repression by the regime;
29. Insists that Belarusian workers should be able to exercise their right to strike peacefully without risk of dismissal, arrest or other reprisals;
30. Deplores the fact that the Astravyets nuclear power plant does not comply with the highest international environmental and safety standards; supports efforts to ensure European solidarity on the issue of banning imports of energy from the Astravyets nuclear power plant into the EU market;
31. Reiterates its call on the Council and Commission to establish comprehensive, effective and timely EU-wide restrictive measures, a so-called European Magnitsky Act, that would allow for the targeting of any individual, state and non-state actors, and other entities responsible for or involved in grave human rights violations, abuses and corruption, without any further delay;

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32. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Organization for Security and Co-operation in Europe, and the authorities of the Republic of Belarus.

Friday 26 November 2020

P9_TA(2020)0332

Escalating tensions in Varosha following the illegal actions by Turkey and the urgent need for the resumption of talks**European Parliament resolution of 26 November 2020 on escalating tensions in Varosha following the illegal actions by Turkey and the urgent need for the resumption of talks (2020/2844(RSP))**

(2021/C 425/16)

The European Parliament,

- having regard to its previous resolutions on Turkey, in particular those of 13 March 2019 on the 2018 Commission Report on Turkey ⁽¹⁾, and of 17 September 2020 on the preparation of the special European Council summit focusing on the dangerous escalation and the role of Turkey in the Eastern Mediterranean ⁽²⁾,
- having regard to its declaration of 14 February 2012 on the return of the sealed-off section of Famagusta to its lawful inhabitants ⁽³⁾,
- having regard to the reports of the Committee on Petitions of 17 July 2008 following the fact-finding visit to Famagusta, Cyprus, of 25 to 28 November 2007 and of 21 November 2018 following the fact-finding visit to Famagusta, Cyprus, from 7 to 8 May 2018, in the context of petition 733/2004 submitted by Loizos Afxentiou, on behalf of the Famagusta Refugee Movement,
- having regard to its resolutions on the deliberations of the Committee on Petitions of 23 September 2008 ⁽⁴⁾, 22 April 2009 ⁽⁵⁾ and 13 February 2018 ⁽⁶⁾,
- having regard to the Commission communication of 6 October 2020 on EU enlargement policy (COM(2020)0660) and to the accompanying Turkey 2020 Report,
- having regard to the Negotiating Framework for Turkey of 3 October 2005,
- having regard to the Council conclusions of 15 and 16 October 2020 and to the previous relevant Council and European Council conclusions,
- having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 13 October 2020 on the developments around Varosha,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union of 6 October 2020 on the developments around Varosha and of 15 November 2020 on Varosha,
- having regard to the joint statement by the VP/HR and Commissioner Ferreira of 20 October 2020 on the electoral process in the Turkish Cypriot community,
- having regard to core principles of international law and the UN Charter, to the High-Level Agreement of 1979 between the leaders of the two communities, and to the relevant resolutions of the UN Security Council (UNSC) on Cyprus, including Resolutions 541 (1983), 550 (1984), 789 (1992) and 2537 (2020),

⁽¹⁾ Texts adopted, P8_TA(2019)0200.

⁽²⁾ Texts adopted, P9_TA(2020)0230.

⁽³⁾ OJ C 249 E, 30.8.2013, p. 1.

⁽⁴⁾ OJ C 8 E, 14.1.2010, p. 41.

⁽⁵⁾ OJ C 184 E, 8.7.2010, p. 12.

⁽⁶⁾ Texts adopted, P8_TA(2019)0114.

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- having regard to the statements by the President of the UNSC of 9 October 2019 and of 9 October 2020 on the situation in Cyprus,
- having regard to the UN Secretary-General's statement following his meeting with the two leaders in Berlin in November 2019,
- having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas Turkey is a candidate country and an important partner of the EU; whereas, as a candidate country, Turkey is expected to uphold the highest standards of democracy, respect for human rights and the rule of law, including compliance with international conventions;
- B. whereas Turkey is a NATO ally and should be reminded of its responsibility to play a constructive role in the de-escalation of tensions;
- C. whereas Turkey responded to the failed coup of 1974 supported by the Greek Junta by invading Cyprus with its military forces, and whereas the city of Famagusta was also invaded in August 1974 and has been illegally occupied ever since;
- D. whereas a section of Famagusta was then sealed off and has remained uninhabited, under the direct control of the Turkish military;
- E. whereas the UN considers that the responsibility for the status quo at Varosha is borne by Turkey and that Turkey therefore also bears responsibility for any effort to alter its status contrary to the 1979 High-Level Agreement and UNSC Resolutions 550 (1984) and 789 (1992);
- F. whereas UNSC Resolution 550 (1984) 'considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of that area to the administration of the United Nations', and whereas UNSC Resolution 789 (1992) insists, with a view to implementing Resolution 550 (1984), that as a confidence-building measure Varosha should be transferred to its lawful inhabitants 'under the control of the United Nations Peacekeeping Force in Cyprus';
- G. whereas the return of the sealed-off section of Famagusta to its lawful inhabitants would facilitate efforts towards the comprehensive settlement of the Cyprus problem;
- H. whereas on 8 October 2020, following the announcement made in Ankara on 6 October 2020, a part of Varosha was declared partially 'open' with the cooperation of the current Turkish Cypriot leader Ersin Tatar, in violation of the past agreements and of the relevant UNSC resolutions;
- I. whereas in early September 2019, the Turkish Minister for Foreign Affairs Mevlüt Çavuşoğlu visited Varosha and announced the 'opening' of a 'Consulate-General' of Turkey in the wider area of Varosha, and whereas in early February 2020 the Vice-President of Turkey, Fuat Oktay, visited Varosha to hold a 'summit' on the 'legal, political and economic aspects of reopening the abandoned town of Varosha';
- J. whereas Turkey has declared that it will proceed unilaterally with various projects in Varosha, threatening to prepare the area for its illegal settlement;
- K. whereas the Turkish Cypriot community has had a new leader, Ersin Tatar, since 18 October 2020; whereas the former Turkish Cypriot leader Mustafa Akıncı played an important, positive and historic role in promoting peace and dialogue between the two communities on the island;
- L. whereas on 10 November 2020, thousands of Turkish Cypriots protested in record numbers in the northern part of Cyprus against Turkey's interference in Cyprus, including in Varosha, calling for freedom, democracy, and respect of the rights of Cypriots from Varosha; whereas the protest involved the main leaders of the opposition, including former Turkish Cypriot leader Mustafa Akıncı;
- M. whereas the visit of the President of Turkey, Recep Tayyip Erdoğan, to the occupied area of Cyprus to 'hold a picnic' in Varosha on 15 November 2020 was a provocative act that provoked extreme reactions among Turkish Cypriots;

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- N. whereas in all previous negotiations, including at the last Conference on Cyprus at Crans-Montana in 2017, Varosha was included among the areas to be returned to the Greek Cypriot administration following the comprehensive settlement of the Cyprus problem on the agreed basis of a bi-communal and bi-zonal federation;
- O. whereas the current Turkish Cypriot leader Ersin Tatar is opposing the comprehensive settlement of the Cyprus problem based on a bi-zonal bi-communal federation as foreseen by the UN parameters, and whereas on 15 November 2020 President Erdoğan called for talks aiming to create 'two separate states' in Cyprus;
- P. whereas Turkey continues its current illegal, unilateral military actions in the Eastern Mediterranean which run counter to the sovereignty of EU Member States Greece and Cyprus; whereas Turkey's direct engagement in support of Azerbaijan, in the context of the Nagorno-Karabakh conflict, goes beyond its geo-economic interests and reflects a more ambitious geopolitical agenda, as is the case with Turkey's actions in Libya and Syria, and notes with concern that Turkey's continuous and growing distancing from European values and standards has brought EU-Turkey relations to a historic low point;
1. Condemns Turkey's illegal activities in Varosha, in particular its partial 'opening'; emphasises that the creation of a new fait accompli undermines mutual trust and the prospects for a comprehensive solution of the Cyprus problem, by negatively modifying the situation on the ground, exacerbating division and embedding the permanent partition of Cyprus; warns against any change of the status quo in Varosha in violation of the aforementioned UNSC resolutions;
 2. Urges the Government of Turkey to reverse that decision, and avoid any unilateral action that could raise further tensions on the island, in compliance with the recent call of the UNSC; calls on Turkey to withdraw its troops from Cyprus, to transfer the Varosha area to its lawful inhabitants under the temporary administration of the UN in accordance with UNSC Resolution 550 (1984), and to refrain from any actions altering the demographic balance on the island through a policy of illegal settlements; stresses the need for the EU *acquis* to be implemented across the entire island, following the solution of the Cyprus problem;
 3. Is firmly convinced that sustainable conflict resolution can only be found through dialogue, diplomacy, and negotiations in a spirit of good will and in line with international law and reaffirms its belief that a sustainable solution of the Cyprus problem would benefit every country in the region, primarily Cyprus, Greece and Turkey; calls on the European Council to maintain its unified position vis-à-vis unilateral and illegal actions by Turkey, to take action and impose tough sanctions in response to Turkey's illegal actions; recalls that further sanctions can only be avoided through dialogue, sincere cooperation and concrete progress on the ground;
 4. Underlines the UN Secretary-General's call for the resumption of negotiations from where they were left off at Crans-Montana in 2017 and stresses that this should be done on the basis of the Common Declaration of the two leaders of 11 February 2014, the UN Secretary-General's Six Points Framework of 30 June 2017 and the convergences achieved by the end of the conference; regrets that the highest Turkish authorities have endorsed the two-state solution and urges Turkey to commit concretely to the UN Secretary-General's call;
 5. Reiterates its support for a fair, comprehensive and viable settlement on the basis of a bi-communal, bi-zonal federation with a single international legal personality, single sovereignty and single citizenship, and with political equality between the two communities, as defined by the relevant UNSC resolutions, in accordance with international law and the EU *acquis*, and on the basis of respect for the principles on which the Union is founded;
 6. Expresses its concern that the illegal 'opening' of Varosha aims at changing the status of property ownership in the area, thereby undermining the prospects for the return of Varosha as prescribed by the relevant UNSC resolutions, or through the comprehensive solution of the Cyprus problem; urges Turkey to refrain from illegally settling Varosha with people other than its lawful inhabitants or calling for the lawful inhabitants to return to their properties under conditions of military occupation;
 7. Stresses that direct talks under the auspices of the UN on the agreed basis remain the only option for reaching a solution that reunites the island and its people, leading, inter alia, to the normalisation of relations between Cyprus and Turkey, improved prospects for the delimitation of the Exclusive Economic Zone between Cyprus and Turkey, and the enhancement of EU-Turkey relations; urges that the negotiations on the reunification of Cyprus under the auspices of the UN Secretary-General be relaunched on the agreed basis as soon as possible;

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8. Stands by both the Turkish and the Greek Cypriot communities in their quest for peace and stability and calls on the Commission to promptly implement the second Annual Action Programme for aid to the Turkish Cypriot community, aimed at supporting projects that foster reconciliation and improve infrastructure, environmental protection and economic development; calls, in particular, for continued and increased support for civil society in both the Turkish and the Greek Cypriot communities, both through the EU Aid Programme and more structurally as part of the new multiannual financial framework, in particular through the Citizens, Equality, Rights and Values Programme;
 9. Calls for the EU and its Member States to play a more active role in bringing negotiations under UN auspices to a successful conclusion, including by appointing a representative to the UN good offices mission, and to coordinate their efforts with the European Parliament to convince Turkey to reverse its illegal activities in Varosha;
 10. Underlines its support for the territorial integrity of Cyprus and calls for the EU Member States to oppose any attempts by third countries to recognise a state on the island of Cyprus other than the Republic of Cyprus;
 11. Deplores the statements by the President of Turkey during his visit to Varosha on 15 November 2020, which flagrantly revealed Ankara's 'road map' for the illegal settlement of the sealed-off city and his support for the permanent partition of Cyprus;
 12. Calls on Turkey to refrain from proceeding with any unilateral activities, such as illegal exploratory drilling, which further violate the sovereignty and sovereign rights of the Republic of Cyprus, threaten to create new *faits accomplis* in violation of the Law of the Sea, undermine the resumption of substantial negotiations and the prospects for a comprehensive solution on the agreed basis, and are not conducive to good neighbourly relations in the region;
 13. Calls on the UN mission in Cyprus to step up efforts to monitor developments in Varosha;
 14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, and the President, Government and Parliament of Turkey.
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P9_TA(2020)0336

Abortion rights in Poland**European Parliament resolution of 26 November 2020 on the de facto ban on the right to abortion in Poland (2020/2876(RSP))**

(2021/C 425/17)

The European Parliament,

- having regard to the Treaty on European Union (TEU), and in particular Articles 2 and 7(1) thereof,
- having regard to the European Convention on Human Rights (ECHR) of 4 November 1950 and the related case law of the European Court of Human Rights (ECtHR),
- having regard to the Charter of Fundamental Rights of the European Union ('the Charter'),
- having regard to the Constitution of the Republic of Poland,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the UN International Covenant on Economic, Social and Cultural Rights (ICESCR) of 16 December 1966 and the UN International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966,
- having regard to the Convention on the Elimination of all Forms of Discrimination against Women of 18 December 1979,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,
- having regard to the UN Human Rights Committee's concluding observations of 23 November 2016 on the seventh periodic report of Poland,
- having regard to UNESCO's International Technical Guidance on Sexuality Education of 10 January 2018,
- having regard to the International Conference on Population and Development (ICPD) held in Cairo in 1994, its programme of action, the outcome of its review conferences and the 2019 Nairobi Summit on ICPD25,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to the subsequent outcome documents adopted at the UN Beijing + 10 (2005), Beijing + 15 (2010) and Beijing + 20 (2015) special sessions,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force on 1 August 2014, as well as Parliament's resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence ⁽¹⁾,
- having regard to the UN Sustainable Development Goals (SDGs) agreed in 2015,

⁽¹⁾ Texts adopted, P9_TA(2019)0080.

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- having regard to the issue paper of the Council of Europe's Commissioner for Human Rights of 4 December 2017 entitled 'Women's sexual and reproductive health and rights in Europe',
- having regard to the conclusions of the 2017 Annual Colloquium on Fundamental Rights entitled 'Women's Rights in Turbulent Times' organised by the Commission,
- having regard to the 2018 World Health Organization recommendations on adolescent sexual and reproductive health and rights,
- having regard to the mission report of 10 July 2017 of the Committee on Women's Rights and Gender Equality following its mission to Poland of 22 to 24 May 2017, and to the mission report of 3 December 2018 of the Committee on Civil Liberties, Justice and Home Affairs following the sending of an ad hoc delegation to Poland on the situation of the rule of law (19 to 21 September 2018),
- having regard to its previous resolutions on Poland, and in particular that of 15 November 2017 on the situation of the rule of law and democracy in Poland ⁽²⁾ and that of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law ⁽³⁾,
- having regard to the four infringement procedures launched by the Commission against Poland in relation to the reform of the Polish judicial system and the proposal for a Council decision of 20 December 2017 on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835),
- having regard to its resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland ⁽⁴⁾,
- having regard to its resolution of 14 November 2019 on the criminalisation of sexual education in Poland ⁽⁵⁾,
- having regard to its legislative resolution of 4 April 2019 on the proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States ⁽⁶⁾, and to its legislative resolution of 17 April 2019 on the proposal for a regulation of the European Parliament and of the Council establishing the Rights and Values programme ⁽⁷⁾,
- having regard to its resolution of 13 February 2019 on experiencing a backlash in women's rights and gender equality in the EU ⁽⁸⁾,
- having regard to its resolution of 18 December 2019 on public discrimination and hate speech against LGBTI people, including LGBTI-free zones ⁽⁹⁾,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽¹⁰⁾,

⁽²⁾ OJ C 356, 4.10.2018, p. 44.

⁽³⁾ Texts adopted, P9_TA(2020)0225.

⁽⁴⁾ OJ C 129, 5.4.2019, p. 13.

⁽⁵⁾ Texts adopted, P9_TA(2019)0058.

⁽⁶⁾ Texts adopted, P9_TA(2019)0349.

⁽⁷⁾ Texts adopted, P8_TA(2019)0407.

⁽⁸⁾ Texts adopted, P8_TA(2019)0111.

⁽⁹⁾ Texts adopted, P9_TA(2019)0101.

⁽¹⁰⁾ Texts adopted, P9_TA(2020)0054.

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- having regard to the Commission's 2020 Rule of Law Report of 30 September 2020 entitled 'The rule of law situation in the European Union' (COM(2020)0580) and the Country Chapter on the rule of law situation in Poland,
 - having regard the letter sent by the five majority group leaders of the European Parliament to the Prime Minister of Poland on 30 October 2020 ⁽¹¹⁾,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Union purports to be founded on the values of respect for human dignity, freedom, democracy, equality, justice, the rule of law, respect for human rights and non-discrimination, as set out in Article 2 TEU; whereas all Member States have assumed obligations and duties under international law and the EU Treaties to respect, guarantee and fulfil fundamental rights;
- B. whereas an efficient, independent and impartial judicial system is essential to ensure the rule of law and the protection of the fundamental rights and civil liberties of people in the EU;
- C. whereas the right to equal treatment and non-discrimination is a fundamental right enshrined in the Treaties and the Charter, and must be fully respected; whereas, according to the Charter, the ECHR and the case law of the ECtHR, women's sexual and reproductive rights (SRHR) are related to multiple human rights, such as the right to life, freedom from inhuman or degrading treatment, the right to access healthcare, the right to privacy, information and education and the prohibition of discrimination; whereas these human rights are also reflected in the Polish Constitution;
- D. whereas Parliament has addressed SRHR in its newly adopted EU4Health Programme, to ensure timely access to goods that are needed for the safe provision of SRHR (e.g. medicines, contraceptives and medical equipment);
- E. whereas the Constitutional Tribunal was established as one of the central elements to ensure the checks and balances of constitutional democracy and the rule of law in Poland;
- F. whereas the Committee on the Elimination of all Forms of Discrimination against Women and the UN Committee on the Rights of Persons with Disabilities issued a joint statement in August 2018 emphasising that access to safe and legal abortion, as well as to related services and information, is an essential aspect of women's reproductive health, and urging countries to put an end to restrictions on the SRHR of women and girls, as this threatens their health and lives; whereas access to abortion constitutes a human right, while the delaying and denying thereof constitute forms of gender-based violence and may amount to torture and/or cruel, inhuman and degrading treatment; whereas SRHR are targets under UN SDG 3, and whereas gender-based violence and harmful practices are targets under SDG 5;
- G. whereas access to comprehensive and age-appropriate information, sexuality and relationship education, and SRHR, including family planning, contraceptive methods and safe and legal abortion, as well as girls' and women's autonomy and ability to make free and independent decisions about their bodies and lives, is a precondition for their economic independence and is thus essential for achieving gender equality and eliminating gender-based violence; whereas it is their body, their choice;
- H. whereas Poland has ratified the Istanbul Convention, the Lanzarote Convention, the ICCPR, the ICESCR and the Convention on the Rights of the Child, and is obliged under international human rights law to provide access to comprehensive sexuality education and information, including on the risks of sexual exploitation and abuse, and to challenge gender stereotypes in society; whereas Poland did not implement the judgments of the ECtHR on access to legal abortion; whereas the Committee of Ministers of the Council of Europe has criticised Poland for its lack of progress in this regard;

⁽¹¹⁾ Manfred Weber, President of the PPE Group, Iratxe García Pérez, President of the S&D Group, Dacian Cioloș, President of the Renew Group, Philippe Lamberts, Co-President of Verts/ALE Group, and Manon Aubry and Martin Schirdewan, Co-Presidents of GUE/NGL Group.

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- I. whereas there are many differences in access to abortion across the Member States; whereas Poland has one of the lowest scores in the European Union in the 2020 European Contraception Atlas, having one of the most restrictive policies regarding access to contraceptive supplies, family planning, counselling and the provision of online information; whereas Poland is one of the few countries that requires a prescription for emergency contraception, which is often denied by doctors on the grounds of personal beliefs;
- J. whereas since the Constitutional Tribunal ruling of 2015 regarding the Act of 5 December 1996 on doctors' and dentists' professions, neither healthcare practitioners nor healthcare facilities are legally obliged to provide names of alternative facilities or practitioners if they deny a patient sexual and reproductive health services due to personal beliefs; whereas the final version of the Act as amended in July 2020 did not include the referral obligation, as was initially proposed; whereas such an omission shows complete disregard for the recommendation of the Committee of Ministers of the Council of Europe as regards the execution of the ECtHR judgments against Poland in the field of SRHR;
- K. whereas, according to civil society organisations such as the Federation for Women and Family Planning, in 2018 only 10 % of hospitals contracted by the Polish National Health Fund provided legal abortions, which means that entire Polish voivodeships refuse to provide safe and legal abortion, making it extremely difficult, and often impossible, for women to access such services;
- L. whereas as a result of fear and pressure from peers and the medical authorities, doctors in Poland prefer not to be associated with abortion procedures; whereas apart from the widely used conscience clause, doctors create additional non-statutory obstacles, such as unnecessary medical examinations, psychological consultations or additional consultations with experts, or limit women's rights to prenatal tests and information, which should be guaranteed for all under the public health scheme;
- M. whereas access to gynaecological care in Poland is highly restricted and in some regions almost impossible, resulting in a high number of unwanted pregnancies, poor reproductive health, a high prevalence of cervical cancer and insufficient access to contraception; whereas access to sexual and reproductive healthcare and the rights of LGBTI+ people are highly restricted; whereas trans and non-binary people requiring gynaecological care face discrimination in medical settings and are often denied access to care;
- N. whereas since the beginning of 2019, over 80 regions, counties or municipalities in Poland have passed anti-LGBTI+ resolutions declaring themselves free from so-called 'LGBT ideology', or have adopted all or part of the 'Regional Charters of Family Rights', discriminating in particular against single parents and LGBTI+ parents and people, and de facto limiting the freedom of movement of these EU citizens;
- O. whereas it is estimated that up to 200 000 women terminate pregnancies each year in Poland and are forced to undergo clandestine abortions, relying mostly on medical abortion pills without the necessary professional medical supervision and advice; whereas up to 30 000 women are estimated to be forced to travel abroad each year from Poland to receive the healthcare that they need and seek an abortion ⁽¹²⁾; whereas access to such measures is linked to payment for services, meaning that they are not equally accessible to all women, especially socio-economically disadvantaged women and migrant women in irregular situations; whereas this means that safe abortion is only accessible to a limited group of women in Poland;
- P. whereas, in response to the motion of 119 Members of the Polish Parliament with the support of the so-called 'pro-life' movements, on 22 October 2020 the Polish Constitutional Tribunal ruled unconstitutional the provision of the 1993 Act on Family Planning, Protection of the Human Foetus and Conditions for Termination of Pregnancy that allows for abortion in cases where a prenatal test or other medical considerations indicate a high probability of a severe and irreversible foetal defect or an incurable illness that threatens the foetus's life;

⁽¹²⁾ <https://www.theseus.fi/handle/10024/138222>

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- Q. whereas a high probability of a severe and irreversible abnormality or an incurable disease of the foetus constituted the legal basis for 1 074 of the 1 110 pregnancy terminations in 2019, while the remaining cases occurred when pregnancy posed a threat to the life or health of a woman or resulted from a prohibited act (i.e. rape), which are the only other cases allowed by the 1993 Act on Family Planning;
- R. whereas the ruling will become applicable upon its publication, which pursuant to Polish law is mandatory, and once published will result in an almost complete ban on the right to abortion in Poland, criminalising abortion and leading to the expansion of clandestine, unsafe abortion and abortion tourism, which is only accessible to some, thus undermining women's health and rights and putting their lives at risk; whereas despite the ruling not having been published, many pregnant women who have been informed that there is a high probability of the foetus having a severe and irreversible abnormality or an incurable disease have had their access to legal abortion restricted;
- S. whereas the ruling is a new attack on the rule of law and fundamental rights and an additional attempt to limit SRHR in Poland, among the many made in recent years; whereas these attempts were initially halted in 2016, 2018 and 2020 as a result of mass opposition from Polish citizens, as expressed in the 'Black Friday' marches, which were strongly supported by Members of the European Parliament from different political groups;
- T. whereas the ruling took place at a time when, owing to the second wave of the COVID-19 pandemic, public-health-based restrictions were in place in all EU Member States, including Poland, severely impeding any proper democratic debate and due process, which is crucial when it comes to fundamental rights issues;
- U. whereas despite the sanitary restrictions and risks, unprecedented protests have taken place across Poland, and around the world; whereas thousands of demonstrators continue to protest against serious restrictions that undermine their fundamental SRHR; whereas the riot police and the military gendarmerie were deployed to control the protests and law enforcement officials have used excessive force and physical violence against peaceful protesters, including Members of the Polish Parliament and Polish Members of the European Parliament; whereas these actions are contrary to the Polish Government's obligations under international human rights law, including the Charter, which guarantees the right to peaceful assembly, and guidelines from the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which state that as a general rule, the military should not be used to police assemblies;
- V. whereas public authorities used threats to prevent Polish citizens and people living in Poland from participating in manifestations, including substantial financial fines, while the national public prosecutor and Minister for Justice, Zbigniew Ziobro, has announced that criminal charges which could lead to a prison sentence of up to eight years will be filed against the protests' organisers; whereas many protesters have been unlawfully detained, including minors;
- W. whereas on 28 October 2020, Deputy Prime Minister Jarosław Kaczyński encouraged people to defend traditional Polish values and protect churches 'at all costs', which led to acts of aggression against protesters by nationalistic hooligans; whereas cultural and religious values in Poland are thus being abused as reasons to impede the full realisation of women's rights, equality for women and their right to make decisions about their own bodies; whereas a fundamentalist organisation, Ordo Iuris, which is closely linked to the ruling coalition, has been a driving force behind campaigns aiming to undermine human rights and gender equality in Poland, including attempts to ban abortion, calls for Poland's withdrawal from the Istanbul Convention and calls for the creation of 'LGBTI-free zones';
- X. whereas according to recent polls, the majority of people in Poland support the right to access to abortion on request up to the 12th week; whereas the demonstrators are also asking for the resignation of the government, owing to its repeated attacks on the rule of law; whereas the protests have mostly been organised and coordinated by women-led

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organisations, activists and civil society organisations, with the support of the Polish political opposition; whereas the Polish President's proposal for abortion legislation following the protests is unsatisfactory;

- Y. whereas the acts of the Polish Parliament concerning the Constitutional Tribunal adopted on 22 December 2015 and 22 July 2016, as well as the package of three acts adopted at the end of 2016, seriously undermined the Constitutional Tribunal's independence and legitimacy; whereas the acts of 22 December 2015 and of 22 July 2016 were declared unconstitutional by the Constitutional Tribunal on 9 March 2016 and 11 August 2016, respectively; whereas those judgments were not published or implemented at the time by the Polish authorities; whereas the constitutionality of Polish laws can no longer be effectively guaranteed in Poland since the entry into force of the aforementioned legislative changes ⁽¹³⁾;
- Z. whereas the aforementioned ruling was pronounced by judges elected by and totally dependent on politicians from the PiS (Law and Justice)-led coalition; whereas the Marshal of the Polish Senate considered the ruling inexistent and called on the government not to publish it, notably because it violates Poland's human rights obligations and is not in line with the previous legislation on the Polish Constitution, and because of the unlawful appointments of three judges and the President of the Constitutional Tribunal ⁽¹⁴⁾;
- AA. whereas the Commission and Parliament have expressed serious concerns regarding the rule of law, including the legitimacy, independence and effectiveness of the Constitutional Tribunal; whereas the Commission triggered an Article 7(1) procedure following the 2015 reforms of the justice system in Poland;
1. Strongly condemns the Constitutional Tribunal's ruling and the setback to women's SRHR in Poland; affirms that the ruling puts women's health and lives at risk; recalls that it has strongly criticised any legislative proposals or restrictions that aim to further prohibit and limit access to safe and legal abortion in Poland, which come close to banning access to abortion care in Poland, as most legal abortions are performed on the grounds of a severe and irreversible foetal defect or an incurable illness that threatens the foetus's life; recalls that universal access to healthcare and SRHR are fundamental human rights;
2. Notes that restricting or banning the right to abortion by no means eliminates abortion, but merely pushes it underground, leading to an increase in unlawful, unsafe, clandestine and life-threatening abortions; insists that the performance of an abortion should not be included in the criminal code, as this has a chilling effect on doctors who refrain from providing SRHR services out of fear of criminal sanctions;
3. Deplores the fact that the ruling was released at a time when sanitary restrictions related to the COVID-19 pandemic were seriously undermining due democratic processes; strongly criticises the restrictive ban on public assemblies, which has been in force without the introduction of a state of natural disaster, as laid down in Article 232 of the Polish Constitution;
4. Recalls that women's rights are fundamental human rights and that the EU institutions and the Member States are legally obliged to uphold and protect them in accordance with the Treaties and the Charter, as well as international law;
5. Notes that the unjustified excess of restrictions on access to abortion resulting from the aforementioned ruling of the Constitutional Tribunal fails to protect the inherent and inalienable dignity of women, as it breaches the Charter, the ECHR, the case law of the ECtHR, numerous international conventions to which Poland is a signatory, as well as the Constitution of the Republic of Poland;

⁽¹³⁾ Venice Commission Opinion of 14 and 15 October 2016 on the Act on the Constitutional Tribunal, paragraph 128; UN Human Rights Committee, Concluding observations on the seventh periodic report of Poland, 23 November 2016, paragraphs 7-8; Commission Recommendation (EU) 2017/1520 of 26 July 2017 regarding the rule of law in Poland (OJ L 228, 2.9.2017, p. 19).

⁽¹⁴⁾ <https://www.senat.gov.pl/aktualnosci/art,13159,zespol-ekspertow-przy-marszalku-senatu-o-wyroku-trybunalu-konstytucyjnego.html>

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6. Strongly urges the Polish Parliament and authorities to refrain from any further attempts to restrict SRHR, as such measures are contrary to the principle of non-retrogression under international human rights law; strongly affirms that the denial of SRHR is a form of gender-based violence; calls on the Polish authorities to take measures to fully implement the judgments handed down by the ECtHR in cases against Poland, which has ruled that restrictive abortion laws violate the human rights of women; stresses that unhindered and timely access to reproductive health services and respect for women's reproductive autonomy and decision-making is critical to protecting women's human rights and gender equality;

7. Emphasises the need to provide comprehensive, evidence-based, non-discriminatory and age-appropriate sexuality education and information to all, as a lack of information and education about sex and sexuality results in higher rates of unintended pregnancies;

8. Strongly condemns the recent decision by the Polish Minister of Justice to officially start Poland's withdrawal from the Istanbul Convention, which would be a serious setback with regard to gender equality, women's rights and the fight against gender-based violence; urges Polish authorities to ensure the effective and practical application of that Convention, including the provision of a sufficient number of quality shelters for women who are victims of violence and their children, taking into account the escalation of gender-based violence during the COVID-19 pandemic, as well as access to essential support and health services, including sexual and reproductive healthcare;

9. Regrets that access to healthcare services in certain areas of Poland is still restricted, and that according to the Supreme Audit Office, in 2018 only 2 % of pregnant women living in rural areas in Poland underwent all standard tests that are necessary during pregnancy, such as a foetal ultrasound, a cardiotocography or maternal blood testing;

10. Deplores the increased use of the conscience clause, which is resulting in the absence of reliable referral mechanisms for those seeking abortion services and slow appeals processes for those who are denied such services, and also deplores the fact that gynaecologists frequently invoke the conscience clause when asked to prescribe contraceptives, thus effectively restricting access to contraception in Poland; notes that the conscience clause also hinders access to prenatal screening, which is not only a violation of the right to information on the condition of a foetus, but also obstructs the successful treatment of a child during pregnancy or immediately after; urges the Polish authorities to repeal the law limiting access to the emergency contraceptive pill;

11. Is deeply concerned that thousands of women have to travel to access a health service as essential as abortion; emphasises that cross-border abortion services are not a viable option for the most vulnerable and marginalised people; is disturbed by the fact that traveling abroad puts women's health and wellbeing at risk as they are often alone; stresses the importance of post-abortion care, especially for women who experience complications from an incomplete or unsafe abortion;

12. Expresses its support and solidarity for thousands of Polish citizens, in particular for Polish women and LGBTI+ persons, who, despite the sanitary risks, took to the streets to protest against grave restrictions on their fundamental freedoms and rights; notes that the protesters' demands include not only the annulment of the Constitutional Tribunal's ruling, but also the denouncement of the so-called 'abortion compromise', the liberalisation of the right to abortion law and respect for bodily autonomy; recalls that freedom of assembly and freedom of association define the European Union, even during a pandemic;

13. Strongly condemns the excessive and disproportionate use of force and violence against protesters, including activists and women's rights organisations, by law enforcement authorities and non-state actors such as far-right nationalistic groups; calls on the Polish authorities to ensure that those who attack protesters are held accountable;

14. Urges the Polish authorities to reinforce the national legislation for the advancement of women's rights and gender equality by providing all the necessary financial and human resources to institutions dealing with discrimination on the grounds of sex and gender;

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15. Calls on the Commission to carry out a thorough assessment of the composition of the Constitutional Tribunal, the unlawfulness of which constitutes grounds for challenging its rulings and thus its ability to uphold the Polish Constitution; underlines that the aforementioned ruling is yet another example of the political takeover of the judiciary and the systemic collapse of the rule of law in Poland;
16. Calls on the Council to address this matter and other allegations of violations of fundamental rights in Poland by expanding the scope of its current hearings on the situation in Poland, in accordance with Article 7(1) TEU; urges the Council to proceed with the formal hearing on the state of play in Poland scheduled for 10 and 11 December 2020;
17. Welcomes the provisional agreement of 5 November 2020 on legislation establishing a mechanism that would allow the suspension of budget payments to a Member State violating the rule of law; urges the Commission to act with determination on the recently agreed conditionality for the future multiannual financial framework for 2021-2027;
18. Calls on the Council and the Commission to provide adequate funding for national and local civil society organisations to foster grassroots support for democracy, the rule of law and fundamental rights in Member States, including Poland; urges the Commission to immediately and directly support programmes and Polish civil society organisations working to ensure that women's SRHR are protected; calls on the Commission and Member States to support awareness-raising and training through funding programmes;
19. Calls on the Commission to make it a priority to ensure that everyone has equal and strong legal protection on all the grounds included in Article 19 TFEU; calls on the Council to immediately unblock and conclude the negotiations on the horizontal directive on non-discrimination and welcomes the new commitments of the Commission in this area;
20. Calls on the Commission to support Member States in guaranteeing universal access to sexual and reproductive health services, including abortion; urges the Commission to guarantee SRHR by including abortion rights in the next EU Health Strategy;
21. Highlights the expressions of support for and interest in the cause of Polish women from many Member States; calls for the EU to fund organisations that facilitate cross-border cooperation between organisations providing safe and legal abortion;
22. Calls on the Commission to confirm the application of Directive 2004/113/EC ⁽¹⁵⁾ to SRHR goods and services and recognise that limits on and barriers to accessing SRHR goods and services constitute gender-based discrimination, as they disproportionately affect one gender (women) or vulnerable groups (e.g. trans and non-binary persons); condemns the Polish Government's abuse of the judiciary and its legislative powers to instrumentalise and politicise the lives and health of women and LGBTI+ persons, leading to their discrimination in this regard;
23. Calls on the Commission to adopt guidelines for Member States to ensure equal access to SRHR goods and services in line with EU law and the jurisprudence of the ECtHR;
24. Calls on the Council to urgently conclude the EU ratification of the Istanbul Convention; strongly condemns the attempts in some Member States to revoke measures already taken in implementing the Convention and in combating gender-based violence; calls on the Commission to submit a proposal to add gender-based violence to the list of EU crimes pursuant to Article 83 TFEU;
25. Instructs its President to forward this resolution to the Commission, the Council, the President, Government and Parliament of Poland and the governments and parliaments of the Member States.

⁽¹⁵⁾ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

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EU Trade Policy Review**European Parliament resolution of 26 November 2020 on the EU Trade Policy Review (2020/2761(RSP))**

(2021/C 425/18)

The European Parliament,

- having regard to the Commission communication of 17 May 2020 entitled ‘Adjusted Commission Work Programme 2020’ (COM(2020)0440) and to President von der Leyen’s letter of intent to President Sassoli and Chancellor Merkel of 16 September 2020 entitled ‘State of the Union 2020’,
- having regard to the Commission consultation note of 16 June 2020 entitled ‘A renewed trade policy for a stronger Europe’,
- having regard to the Commission communication of 27 May 2020 entitled ‘Europe’s moment: Repair and Prepare for the Next Generation’ (COM(2020)0456),
- having regard to the White Paper on levelling the playing field as regards foreign subsidies (COM(2020)0253),
- having regard to the Commission communication of 14 October 2015 entitled ‘Trade for All — Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the Commission communication of 10 March 2020 entitled ‘A New Industrial Strategy for Europe’ (COM(2020)0102),
- having regard to the Commission communication of 10 March 2020 entitled ‘An SME Strategy for a sustainable and digital Europe’ (COM(2020)0103),
- having regard to the Commission communication of 19 February 2020 entitled ‘Shaping Europe’s digital future’ (COM(2020)0067),
- having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),
- having regard to the joint communication of the Commission and Vice-President / High Representative of 9 March 2020 entitled ‘Towards a comprehensive Strategy with Africa’ (JOIN(2020)0004),
- having regard to the Commission communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’ (COM(2020)0381),
- having regard to the Agreement adopted at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (the Paris Climate Agreement),
- having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),

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- having regard to its resolutions of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment ⁽¹⁾, of 12 December 2017 on ‘Towards a digital trade strategy’ ⁽²⁾, of 28 November 2019 on the ‘climate and environment emergency’ ⁽³⁾, of 16 September 2020 on the EU’s role in protecting and restoring the world’s forests ⁽⁴⁾, of 7 October 2020 on the implementation of the common commercial policy — annual report 2018 ⁽⁵⁾ and of 25 November 2020 on ‘A New Industrial Strategy for Europe’ ⁽⁶⁾,
 - having regard to the statement by the Commission of 24 November 2020,
 - having regard to the question to the Commission on the EU Trade Policy Review (O-000070/2020 — B9-0024/2020),
 - having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
 - having regard to the motion for a resolution of the Committee on International Trade,
- A. whereas following the COVID-19 outbreak in 2020 global supply chains and production lines have been disrupted, bringing to the fore the fact that the European Union is dependent on non-EU sources, especially for some strategic sectors such as the medical and the pharmaceutical sectors;
- B. whereas trade rules and benefits are being challenged both outside the EU and within Member States, and whereas new challenges for sustainable development, such as the fight against climate change, need mainstreaming in all EU external and internal public policies;
- C. whereas the EU was already lagging behind other economies in terms of competitiveness before the pandemic; whereas the disruption to international trade resulting from the COVID-19 pandemic has now exacerbated already significant economic losses;
- D. whereas the European Union, being a resource-poor continent and the world’s largest trading block, is in a unique position to cooperate globally to achieve a sustainable recovery of the world economy, in line with the European Green Deal;
- E. whereas the EU’s trade policy review and the development of a more assertive EU trade agenda is taking place at a time when globally many politically-steered actions are being implemented in trade, economy, and finance, with long-term consequences;

Trade and ‘open strategic autonomy’

1. Welcomes the timely launch of the review of the EU’s trade policy in 2020, in response to and taking into account of the lessons learned from the COVID-19 pandemic, the rise in protectionist behaviour globally, the particularly challenging environment facing international trade, and the need for the mainstreaming of trade in the European Green Deal and SDGs with the aim of making economic cooperation and trade fair, inclusive and sustainable; considers it crucial, for this purpose, to coordinate and create synergies between relevant Commission Directorates-General European and the European External Action Service, as well as between trade policy and internal policies (e.g. industrial, State aid, digital, environmental, including circular economy, and social), and to incorporate trade policy into the EU’s broader external policy;
2. Welcomes the debate on the unique EU concept of ‘open strategic autonomy’, and invites the Commission to provide further details on its content; notes, in this context, that the concept should be in line with the EU’s international legal obligations and its commitment to a rules-based approach in its trade policy and to the multilateral trading system, with the World Trade Organization (WTO) at its core; insists that the EU’s trade strategy must increase the competitiveness of EU industry, including the agricultural sector, create decent quality jobs, protect workers, generate inclusive and sustainable economic development in line with the European Green Deal, and promote the EU’s interests and values;

⁽¹⁾ OJ C 101, 16.3.2018, p. 30.

⁽²⁾ OJ C 369, 11.10.2018, p. 22.

⁽³⁾ Texts adopted, P9_TA(2019)0078.

⁽⁴⁾ Texts adopted, P9_TA(2020)0212.

⁽⁵⁾ Texts adopted, P9_TA(2020)0252.

⁽⁶⁾ Texts adopted, P9_TA(2020)0321.

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3. Stresses that the EU, being one of the largest trading blocks in the world, would benefit from wider use of the euro in its international trade, as this would reduce exchange rate risk and other currency related costs in trade transactions; stresses that it is now even more crucial to boost trade, and highlights that the EU's trade strategy has the potential to contribute significantly to the recovery process after the current public health and economic crisis;
4. Calls on the Commission to analyse how the resilience of EU's supply chains can be increased, while enhancing production capacities in our Union, by exploring potential gains from EU level strategic stockpiling of essential goods for emergencies, and by encouraging the diversification of supply sources while also exploring the concept of nearshoring and the special role that countries in the EU neighbourhood could play in this regard;
5. Stresses that reshoring and nearshoring measures should contribute to the EU's long-term competitiveness, and not lead to increased costs for consumers according to a detailed sector-by-sector analysis been conducted in this regard; notes that supply chain management measures can play an important role in the economic recovery and that decisions should, in any case, remain in the hands of the relevant economic operators;
6. Calls on the Commission to identify European strategic sectors and raw materials, and to proactively support businesses, especially SMEs, focusing on the current crisis as well as on potential future developments, providing support for climate neutrality, the accountability and sustainability of global supply chains, and digital innovation, in order to increase food security by keeping green lanes open and increasing transparency on food value chains; highlights that the EU is highly reliant on third countries for critical raw materials necessary for the green and digital transitions; emphasises, in this context, that a fully functioning multilateral trading system together with a broad network of sustainable and well-implemented free and fair trade agreements constitutes the best and most cost-effective way of guaranteeing that multiple sources of manufacturing are available; emphasises, moreover, that greater resilience will be achieved through open trade flows, by refraining from trade-restrictive measures, and through stronger cooperation with our trading partners; believes that cooperation with our trading partners would also be useful to removing barriers to trade;

Multilateral trading system

7. Reaffirms the EU's commitment to the open, rules-based multilateral trading system, with a reformed WTO at its core, to improve its efficiency, stability and predictability; invites the Commission to intensify its engagement in international fora, in close coordination with other international governance institutions such as the United Nations Conference on Trade and Development (UNCTAD) and the International Labour Organization (ILO), and to pursue an ambitious modernisation, strengthening and substantial reactivation of the WTO and its negotiating function and rulebook, with SDGs and the fight against climate change at its core, while also ensuring coherence with international commitments;
8. Insists on the reform of the WTO's Appellate Body based on a fully operational two-tier dispute settlement system; underlines that as long as the Appellate Body is not functioning properly, the EU should make effective use of the Multi-Party Interim Appeal Arbitration Arrangement, and encourage other WTO Members to participate in this arrangement; calls on the Union to reform the provisions of the WTO Dispute Settlement Understanding on retaliatory measures in order to ensure that only the relevant and affected sectors are targeted in disputes on illegal State aid;
9. Calls on the Commission to deepen its international cooperation with strategic partners, and welcomes in this regard the ongoing discussions on how to address and effectively mitigate distortions caused by industrial subsidies, knowing that market-distorting practices can have considerable negative impacts on fair competition and the level playing field, and to seek solutions to prevent forced technology transfers;
10. Expresses its preference for multilateral agreements; but recognises that plurilateral agreements can provide a useful stepping stone to reaching multilateral agreements; notes, in this regard, the value of Joint Statement Initiatives; highlights the importance of concluding a binding and enforceable agreement on fisheries subsidies, taking into account the implications on developing and least developed countries;
11. Renews its calls for a plurilateral agreement on e-commerce that would help SMEs bridge the digital gap and address digital trade barriers, and that would facilitate commercial cross-border movement of data in full conformity with EU privacy and data protection law, including the General Data Protection Regulation (GDPR); calls for enhanced online

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consumer protection, and increased cooperation between the Commission's services in order to improve the detection of counterfeit goods in e-commerce; looks forward in this regard to the 12th WTO Ministerial Conference in 2021, and calls for a consolidated text to be made available by the end of 2020; emphasises the need for the EU to present a digital trade strategy, building on Parliament's resolution of 2017 on this matter, and to seek ways for the EU to create and promote new international rules, including through specific provisions in trade agreements, by creating an enabling digital trading environment for EU companies and removing barriers in third countries;

12. Calls on the Commission to monitor, analyse and address at global and bilateral level with international partners new barriers to trade including export restrictions and other distortions affecting essential goods, as well as to develop common criteria for the granting of sustainability-oriented subsidies for the post-pandemic recovery; calls on the Commission to update the WTO Pharmaceutical Agreement, while exploring the possibilities for a broader plurilateral initiative on healthcare products; calls on the Commission to ensure that the flexibilities in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) can be optimally used for critical medical products, and that provisions in EU bilateral agreements do not impact negatively on these flexibilities;

Relations with strategic partners

13. Highlights that the United States of America is the EU's most important trading partner; notes that this relationship is currently characterised by tensions; takes note of the agreement on a package of tariff reductions with the US as a positive development, and urges the Commission to build on this momentum to construct a positive EU-US trade agenda beyond tariff reductions, as a broader cooperation agreement would be of particular benefit, facilitating our mutual economic recovery and the resolution of trade irritants and exploring new areas for cooperation, such as on trade, technologies and digital taxation, including in the framework of the Organisation for Economic Co-operation and Development (OECD); encourages the Commission to make progress on regulatory assessments, which would benefit SMEs in particular; strongly supports cooperation with the US to tackle strategic challenges at global level; urges the US to re-join the Paris climate agreement in order to facilitate future EU-US cooperation; calls on the US to remove its tariffs imposed since 2017; takes note of the latest, long-awaited WTO ruling on the Airbus-Boeing dispute, and stresses the importance of finding a negotiated solution;

14. Calls for ambitious progress to be made in the negotiations on the Comprehensive Agreement on Investment with China, in order to address the urgent need for reciprocity, including regarding access to the public procurement market and other outstanding level-playing-field-related issues such as market-distorting practices of Chinese State-Owned Enterprises (SOEs) or forced technology transfers, joint-venture requirements and non-discriminatory treatment; underlines the importance of including an ambitious chapter on trade and sustainable development to protect human rights, including core labour standards, promote environmental standards and fight against climate change in line with the Paris climate agreement; stresses the importance of the EU strategic relationship with China as a competitor, partner and systemic rival; calls therefore on the Member States and EU institutions to speak with one voice; urges the Commission, in this regard, to set up a dedicated China Task Force, modelled on the Task Force for relations with the United Kingdom, to ensure unity and coherence of message at all levels and in all formats with a view to a common and unified EU policy towards China; stresses that EU trade and investment relations require full respect for human rights; expresses deep concern about the reported exploitation of Uyghurs in factories in China, and stresses that products produced in re-education camps should be banned from EU markets; calls on the Commission to start the scoping exercise and impact assessment in order to formally commence the negotiations with Taiwan as soon as possible;

15. Believes that in the context of the pandemic, on a global level, especially with regard to Africa, and in the light of the Union's new Africa Strategy, new approaches should be adopted to re-shape economic, commercial and trade relations to promote fair and ethical trade based on the principles of solidarity and cooperation and coherence with EU Development Policy;

Horizontal issues

16. Underlines that global markets are a crucial source of growth for SMEs; notes, however, that only 600 000 SMEs export goods outside the EU; urges the Commission to support SMEs by systematically including and implementing dedicated SME chapters in trade agreements, without an increased administrative and regulatory burden, and to support

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SMEs' utilisation of such agreements in close cooperation with Member States' chambers of commerce and trade promotion agencies; urges the Commission to address the issue of the cost for SMEs to comply with increasingly complex legislation that affects trade; calls on the Commission to reach out to businesses at the earliest possible stage when setting up new information portals or improving already existing ones, so that the information needs of SMEs can be met in a practical way; welcomes in this regard the Commission's efforts in the context of the March 2020 SME Strategy to increase its dedicated support to SMEs; welcomes the recent launch of the Access2Markets tool, including its Rules of Origin Self-Assessment (ROSA) module, and calls on all stakeholders to provide feedback to the Commission so that the tool may be continuously updated;

17. Is convinced that legislation for mandatory EU-level horizontal due diligence throughout the supply chain for EU and foreign companies operating within the single market is necessary to achieve the SDGs, to promote good governance, to increase traceability and accountability in global supply chains, to strengthen Europe's international competitiveness by creating a level playing field, and to mitigate unfair competitive advantages of third countries resulting from lower protection standards and social and environmental dumping in international trade; stresses the need to consider the risk of harm and the size of the company while bearing in mind the principle of proportionality;

18. Looks forward to the Commission's proposal on a carbon border adjustment mechanism, which should be fully WTO compatible and based on an impact assessment; urges the Commission to ensure the EU's competitiveness with particular regard to the costs, risks and ambitions of other international partners, and to propose a transparent mechanism that is able to co-exist with the existing carbon leakage measures, while providing a stable and certain legal framework for European industries; stresses that further similar proposals should be embedded into our industrial strategy in order to create an incentive for industries to produce clean and competitive products; calls on the Commission to develop ideas, taking into consideration, inter alia, the non-paper from the Netherlands and France on trade, social economic effects and sustainable development; calls on the Commission to explore the possibility of an ex post impact assessment and review clauses to align existing FTAs with the European Green Deal and to bring forward new initiatives that use trade policy to facilitate the achievement of our ambitious climate objectives, including a new initiative on climate and trade at the WTO, which builds on the mandate of the Environmental Goods Agreement and expands the scope to include trade in green services, thus fostering the development of green goods and refrain from enabling brown ones;

19. Calls on the Commission to implement, advance and ensure the effective implementation of existing FTAs including enforceable Trade and Sustainable Development (TSD) chapters, and ensure that the benefits are distributed to all; points out that the enforceability of the TSD chapters could be significantly improved through various enforcement methods, and that the Commission should explore a sanctions-based mechanism as a last resort; supports Commission Executive Vice-President and Commissioner for Trade Dombrovskis' commitment to bring forward the review of the 15-point Action Plan on TSD Chapters, engaging with the Parliament from the outset; asks the Commission to explore the ideas in the non-paper from the Netherlands and France and other ways to incorporate more granularity into the enforcement of these chapters; welcomes the Commission's commitment to make compliance with the Paris climate agreement an essential part of all future trade agreements; calls for complementary measures such as banning the importation of products linked to severe human rights violations such as forced labour or child labour;

20. Calls on the Commission to adopt in good time the proposal for the new regulation applying a Generalised Scheme of Preferences, possibly with a view to increasing the number of countries committing to the GSP+ scheme;

21. Underlines the importance of addressing anti-competitive practices with main trading partners and levelling the playing field for companies to create the conditions for recovery from the COVID-19 pandemic and to enable the global transition towards a sustainable economy; calls on the Commission to act swiftly and launch investigations early on, as soon as the injury occurs, ensuring that unfair trade practices do not undermine the competitiveness and level of employment of European economic operators, particularly taking into account the specific needs of SMEs;

22. Welcomes the newly appointed Chief Trade Enforcement Officer (CTEO), and believes that the consistent implementation and enforcement of EU and WTO agreements, including their TSD chapters, and trade legislation, including more effective, more flexible and more responsive Trade Defence Instruments (TDIs), is crucial to preserve the EU's credibility and values and its agenda for fairer trade; calls on the new CTEO to work together with Parliament to ensure that pre-ratification commitments made by trading partners are followed up on;

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23. Urges the Commission to review the role of delegations in implementing the EU's trade and cooperation agenda in respect of policy coherence, and to ensure a coordinated approach that incorporates the different services of the Commission (e.g. cross-sectoral trade missions to third countries);

24. Calls on the Commission to facilitate the conclusion of all necessary steps after thorough investigations to fill any proven gaps in the trade and investment toolbox, including a new legislative proposal to review the Blocking Statute against sanctions that substantially infringe upon the territorial sovereignty of the Member States, and to introduce a new instrument to deter and counteract coercive actions by third countries, preceded by an impact assessment;

25. Calls for the negotiations on an International Procurement Instrument (IPI) to move forward in order to ensure a more robust application of reciprocity in accessing international public procurement markets for EU companies, while preserving possibilities to use public procurement as a tool for the success of the climate transition, especially in developing countries through a renewed multilateral approach; welcomes the White Paper on Foreign Subsidies as a necessary complementary tool to trade defence measures, and looks forward to a legislative proposal from the Commission in January 2021 to protect EU companies from distortions on both the internal and global markets, while underlining the importance of free and fair competition; calls, further, on all Member States to use all available tools, including Regulation (EU) 2019/452 establishing a framework for the screening of foreign direct investments into the Union, to assess potential investments and acquisitions for threats to the security of critical infrastructure in the EU, notably in strategic sectors such as healthcare, utilities, mobility and information and communications technology, so as to avoid unnecessary and detrimental economic dependencies;

26. Welcomes the progress made in negotiations on the Multilateral Investment Court (MIC); notes that the Investment Court System (ICS) is intended to be a stepping stone towards the MIC; regrets the extremely slow progress of Member States in dismantling intra-EU bilateral investment treaties (BITs), and urges the Commission to take action where appropriate, in accordance with the judgement by the European Court of Justice in the Achmea case; calls on the Commission to continue its work towards a framework for intra-EU investment protection and facilitation; supports the ongoing negotiations on the Energy Charter Treaty in line with the European Green Deal, which must enable the achievement of climate neutrality aimed at the phasing out of protection of investments in legacy fossil fuel technologies; expresses its concerns about investor-state dispute settlement (ISDS) and the number of cases related to the Energy Charter Treaty;

27. Highlights the importance of gender issues; stresses the opportunity for EU FTAs to promote gender equality, to strengthen the economic position of women in third countries and to improve living standards for women across all industries covered by the EU's FTAs; notes that women receive less than two-fifths of the benefits of free and fair trade agreements in terms of jobs generated, and stresses that women may be disproportionately affected by the current economic crisis; calls on the Commission and the Council to promote and support the inclusion of a specific gender chapter in EU trade and investment agreements;

28. Calls on the Commission to ensure a follow-up on proposals issued by the Domestic Advisory Groups for improving our international trade policy, and on the Commission and Member States to better communicate the benefits and impacts of EU trade policy for all, in order to increase transparency and improve awareness among citizens, non-governmental organisations, trade unions, and businesses, especially SMEs, since it is important to provide accurate information to all stakeholders; recalls, in this context, the importance of the rights of the European Parliament as enshrined in Articles 207 and 218 of the Treaty on the Functioning of the European Union (TFEU) and of the interinstitutional dialogue as a way of contributing to the ongoing discussions and of achieving a positive conclusion; recalls the role of Parliament as co-legislator in trade policy and its role in scrutinising negotiations as well as the effective implementation of trade agreements, and the commitments made by the President of the Commission in support of the resolutions on legislative initiatives adopted by Parliament under Article 225 of the TFEU;

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

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OPINIONS

EUROPEAN PARLIAMENT

P9_TA(2020)0310

Appointment of Julia Laffranque to the panel set up under Article 255 of the Treaty on the Functioning of the European Union**European Parliament decision of 24 November 2020 proposing the appointment of Julia Laffranque to the panel set up under Article 255 of the Treaty on the Functioning of the European Union (2020/2238(INS))**

(2021/C 425/19)

The European Parliament,

- having regard to the second paragraph of Article 255 of the Treaty on the Functioning of the European Union,
- having regard to Rule 128 of its Rules of Procedure,
- having regard to the proposal of the Committee on Legal Affairs (B9-0368/2020),

A. whereas Julia Laffranque meets the conditions laid down in the second paragraph of Article 255 of the Treaty on the Functioning of the European Union;

1. Proposes that Julia Laffranque be appointed to the panel;
 2. Instructs its President to forward this decision to the President of the Court of Justice.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2020)0308

Cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters *II**

European Parliament legislative resolution of 23 November 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 cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) (09889/2/2020 — C9-0357/2020 — 2018/0203(COD))

(Ordinary legislative procedure: second reading)

(2021/C 425/20)

The European Parliament,

- having regard to the Council position at first reading (09889/2/2020 — C9-0357/2020),
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0378),
 - 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 Legal Affairs (A9-0225/2020),
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.

⁽¹⁾ OJ C 62, 15.2.2019, p. 56.

⁽²⁾ Texts adopted, P8_TA(2019)0103.

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P9_TA(2020)0309

Service in the Member States of judicial and extrajudicial documents in civil or commercial matters *II**

European Parliament legislative resolution of 23 November 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 service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (09890/2/2020 — C9-0356/2020 — 2018/0204(COD))

(Ordinary legislative procedure: second reading)

(2021/C 425/21)

The European Parliament,

- having regard to the Council position at first reading (09890/2/2020 — C9-0356/2020),
 - having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2018)0379),
 - 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 Legal Affairs (A9-0222/2020),
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.

⁽¹⁾ OJ C 62, 15.2.2019, p. 56.

⁽²⁾ Texts adopted, P8_TA(2019)0104.

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P9_TA(2020)0311

Appointment of Frank Elderson as member of the Executive Board of the European Central Bank

European Parliament decision of 24 November 2020 on the Council recommendation on the appointment of a Member of the Executive Board of the European Central Bank (N9-0055/2020 — C9-0331/2020 — 2020/0805(NLE))

(Consultation)

(2021/C 425/22)

The European Parliament,

- having regard to the Council's recommendation of 9 October 2020 (N9-0055/2020) ⁽¹⁾,
 - having regard to Article 283(2), second subparagraph, of the Treaty on the Functioning of the European Union, pursuant to which the European Council consulted Parliament (C9-0331/2020),
 - having regard to its resolution of 14 March 2019 on gender balance in EU economic and monetary affairs nominations ⁽²⁾,
 - having regard to its decision of 17 September 2019 on the Council recommendation on the appointment of the President of the European Central Bank ⁽³⁾,
 - having regard to its decisions of 17 December 2019 on the Council recommendations on the appointments of two Members of the Executive Board of the European Central Bank ⁽⁴⁾,
 - having regard to Rule 130 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0218/2020),
- A. whereas, by letter of 14 October 2020, the European Council consulted Parliament on the appointment of Frank Elderson as Member of the Executive Board of the European Central Bank for a term of office of eight years, with effect from 15 December 2020;
- B. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the candidate, in particular in view of the requirements laid down in Article 283(2) of the Treaty on the Functioning of the European Union and in the light of the need for full independence of the European Central Bank pursuant to Article 130 of that Treaty; whereas in carrying out that evaluation, the committee received a curriculum vitae from the candidate as well as his replies to the written questionnaire that had been sent to him;
- C. whereas the committee subsequently held a hearing with the candidate on 9 November 2020, at which he made an opening statement and then answered questions put by the members of the committee;
- D. whereas the Governing Council of the European Central Bank comprises the members of the Executive Board of the European Central Bank and the 19 governors of the national central banks of the Member States whose currency is the euro; whereas, to date, all of the latter are men;
- E. whereas Parliament has repeatedly expressed its disaffection regarding the appointment procedure for members of the Executive Board of the European Central Bank, and has called for improved procedures in this regard; whereas Parliament has requested that it receive, in good time, a gender-balanced shortlist of at least two names;

⁽¹⁾ OJ C 338, 12.10.2020, p. 2.

⁽²⁾ Texts adopted, P8_TA(2019)0211.

⁽³⁾ Texts adopted, P9_TA(2019)0008.

⁽⁴⁾ Texts adopted, P9_TA(2019)0093 and Texts adopted, P9_TA(2019)0094.

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- F. whereas on 17 September 2019, Parliament delivered a favourable opinion on the Council recommendation to appoint Christine Lagarde as the first female President of the European Central Bank;
 - G. whereas on 17 December 2019, Parliament delivered favourable opinions on the Council recommendations to appoint Fabio Panetta and Isabel Schnabel as Members of the Executive Board of the European Central Bank;
 - H. whereas women continue to be underrepresented in the Governing Council of the European Central Bank; whereas Parliament deplores the fact that the Member States have not taken this request seriously and whereas it calls for the national and EU institutions to work actively towards achieving gender balance in the next nominations;
 - I. whereas all EU and national institutions and bodies should implement concrete measures to ensure gender balance;
 - 1. Delivers a favourable opinion on the Council recommendation to appoint Frank Elderson as Member of the Executive Board of the European Central Bank;
 - 2. Instructs its President to forward this decision to the European Council, the Council and the governments of the Member States.
-

Wednesday 24 November 2020

P9_TA(2020)0312

Mobilisation of the European Union Solidarity Fund: assistance to Croatia and Poland in relation to a natural disaster and advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency

European Parliament resolution of 24 November 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 Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency (COM(2020)0960 — C9-0318/2020 — 2020/0299(BUD))

(2021/C 425/23)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2020)0960 — C9-0318/2020),
 - having regard to Council Regulation (EC) No 1212/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽¹⁾,
 - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽²⁾, and in particular Article 10 thereof,
 - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽³⁾, and in particular point 11 thereof,
 - having regard to the letter from the Committee on Regional Development,
 - having regard to the report of the Committee on Budgets (A9-0221/2020),
1. Welcomes the decision as a sign of the Union's solidarity with the Union citizens and regions hit by natural disasters and the major public health emergency caused by the COVID-19 pandemic in early 2020;
 2. Stresses the urgent need to release financial assistance through the European Union Solidarity Fund to the affected regions;
 3. Approves the decision annexed to this resolution;
 4. 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*;
 5. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

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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 Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2021/75.)

Wednesday 24 November 2020

P9_TA(2020)0313

Draft amending budget No 9 to the general budget 2020: assistance to Croatia, Poland, Germany, Greece, Hungary, Ireland, Portugal and Spain

European Parliament resolution of 24 November 2020 on the Council position on Draft amending budget No 9/2020 of the European Union for the financial year 2020 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency (12522/2020 — C9-0341/2020 — 2020/0297(BUD))

(2021/C 425/24)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012⁽¹⁾, 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⁽²⁾,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014–2020⁽³⁾ (MFF Regulation),
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management⁽⁴⁾,
- having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union⁽⁵⁾,
- having regard to Draft amending budget No 9/2020, which the Commission adopted on 9 October 2020 (COM(2020)0961),
- having regard to the position on Draft amending budget No 9/2020 which the Council adopted on 30 October 2020 and forwarded to Parliament on 3 November 2020 (12522/2020 — C9-0341/2020),
- 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 Croatia and Poland in relation to a natural disaster and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain in relation to a public health emergency (COM(2020)0960),
- having regard to Rules 94 and 96 of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A9-0223/2020),

⁽¹⁾ OJ L 193, 30.7.2018, p. 1.

⁽²⁾ OJ L 57, 27.2.2020.

⁽³⁾ OJ L 347, 20.12.2013, p. 884.

⁽⁴⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁵⁾ OJ L 168, 7.6.2014, p. 105.

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- A. whereas Draft amending budget No 9/2020 covers the proposed mobilisation of the European Union Solidarity Fund to provide assistance to Croatia and Poland following natural disasters that took place in those Member States in the course of 2020, as well as for advances to seven Member States, namely Croatia, Germany, Greece, Hungary, Ireland, Portugal, Spain, in response to the major public health emergency caused by the Covid-19 outbreak in early 2020;
- 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 823 548 633, both in commitment and payment appropriations;
- C. whereas Croatia requested the payment of an advance as laid down in Article 4a of Regulation (EC) No 2012/2002 ⁽⁶⁾ and on 10 August 2020 the Commission awarded an advance equivalent to EUR 88 951 877 on the Union's anticipated financial contribution; whereas, as the appropriations for advance payments initially available in the 2020 budget are already fully consumed, the Commission proposes the mobilisation of the necessary additional resources within the annual ceiling set out for the European Union Solidarity Fund;
- D. whereas Draft amending budget No 9/2020 proposes to enter EUR 734 596 756 in the 2020 budget, both in commitments and payments, after having deducted the advance of EUR 88 951 877 already paid out to Croatia;
- E. whereas the European Union Solidarity Fund is a special instrument as defined in the MFF Regulation, and the corresponding commitment and payments appropriations are to be budgeted over and above the MFF ceilings;
1. Takes note of Draft amending budget No 9/2020 as submitted by the Commission;
 2. Approves the Council position on Draft amending budget No 9/2020;
 3. Instructs its President to declare that Amending budget No 8/2020 has been definitively adopted and arrange for its publication in the *Official Journal of the European Union*;
 4. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
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⁽⁶⁾ Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3).

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P9_TA(2020)0316

Representative actions for the protection of the collective interests of consumers *II**

European Parliament legislative resolution of 24 November 2020 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (09573/1/2020 — C9-0355/2020 — 2018/0089(COD))

(Ordinary legislative procedure: second reading)

(2021/C 425/25)

The European Parliament,

- having regard to the Council position at first reading (09573/1/2020 — C9-0355/2020),
 - having regard to the opinion of the European Economic and Social Committee of 20 September 2018 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 October 2018 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2018)0184),
 - 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 Legal Affairs (A9-0224/2020),
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.

⁽¹⁾ OJ C 440, 6.12.2018, p. 66.

⁽²⁾ OJ C 461, 21.12.2018, p. 232.

⁽³⁾ Texts adopted, P8_TA(2019)0222.

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P9_TA(2020)0317

Markets in financial instruments: amending information requirements, product governance requirements and position limits to help the recovery from the COVID-19 pandemic ***I

Amendments adopted by the European Parliament on 25 November 2020 on the proposal for a directive of the European Parliament and of the Council amending Directive 2014/65/EU as regards information requirements, product governance and position limits to help the recovery from the COVID-19 pandemic (COM(2020)0280 — C9-0210/2020 — 2020/0152(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

Amendment 9 unless indicated otherwise

(2021/C 425/26)

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2014/65/EU as regards information requirements, product governance and position limits to help the recovery from the COVID-19 pandemic

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(1) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The COVID-19 pandemic is severely affecting people, companies, health systems and the economies **and financial systems** of Member States. The Commission, in its Communication to the European Parliament, the European Council, the Council, the European economic and social committee and the Committee of the regions of 27 May 2020 entitled 'Europe's moment: Repair and Prepare for the Next Generation' ⁽¹⁾ stressed that liquidity and access to finance will be a continued challenge in the months to come. It is therefore crucial to support the recovery from the severe economic shock caused by the COVID-19 pandemic by **cutting red tape through** introducing **limited** targeted amendments to existing pieces of financial legislation. **The overall aim of the amendments should therefore be to remove unnecessary red tape and make temporary exceptions that are deemed effective in order to mitigate the economic turmoil. The amendments should avoid making changes that result in more burdens on the sector and leave complex legislative questions to be settled during the planned review of MIFID II.** This package of measures is adopted under the label 'Capital Markets Recovery Package'.

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0208/2020).

(*) Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

⁽¹⁾ COM(2020)0456 final of 27.5.2020.

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- (2) Directive 2014/65/EU of the European Parliament and the Council⁽²⁾ on markets in financial instruments was adopted in 2014 in response to the financial crisis that unfolded in 2007-2008. That Directive has substantially strengthened the financial system in the Union and guaranteed a high level of protection of investors across the Union. Further efforts to reduce regulatory complexity and investment firms' compliance costs and to eliminate distortions of competition *could* be considered, ***provided investor protection is sufficiently taken into consideration at the same time.***
- (3) As regards the requirements that were intended to protect investors, Directive 2014/65/EU has not fully achieved its objective to adapt measures that take the particularities of each category of investors (retail clients, professional clients and eligible counterparties) sufficiently into account. Some of those requirements have not always enhanced the protection of investors but at times rather hindered the smooth execution of investment decisions. ***To better enhance investor protection, it is critical that the debt level of retail investors is taken into account in the suitability assessment, in particular given the rising level of consumer debt due to the COVID-19 pandemic. Furthermore, certain requirements in Directive 2014/65/EU could be amended to facilitate the provision of investment services and the performance of investment activities provided that the amendment is done in a balanced way which fully protects investors.***
- (4) Product governance requirements can restrict the sale of corporate bonds. Corporate bonds with a 'make whole clause' are generally considered safe and simple products that are eligible for retail clients. Such a 'make whole clause' protects investors against losses in case an issuer opts for early repayment, by ensuring that those investors are provided with a payment equal to the net present value of the coupons they would have received if the bond would not have been called. The product governance requirements should therefore no longer apply to corporate bonds with such 'make-whole clauses'.
- (5) The call for evidence, launched by the European Securities and Markets Authority (ESMA), on the impact of inducements and cost and charges disclosure requirements under Directive 2014/65/EU and the public consultation of the Commission both confirmed that professional clients and eligible counterparties do not need standardised and mandatory cost information as they already receive the necessary information when they negotiate with their service provider. That information is tailored to their needs and often more detailed. Eligible counterparties and professional clients should therefore be exempted from those cost and charges disclosure requirements, except with regard to the services of investment advice and portfolio management, because professional clients entering into portfolio management or investment advice relationships do not necessarily have sufficient expertise or knowledge to be exempted from the costs and charges disclosures.
- (6) Investment firms are currently required to undertake a costs-benefit analysis of certain portfolio activities in case of ongoing relationships with their clients in which financial instruments are switched. Investment firms are thereby required to obtain the necessary information from the client and to be able to demonstrate that the benefits of such switching outweigh the costs. As this procedure is overly burdensome for professional clients, who tend to switch on a frequent basis, they should be exempted from this requirement, while maintaining the possibility to opt-in. As retail clients need a high level of protection, that option should be limited to professional clients.
- (7) Clients with an ongoing relationship with an investment firm receive mandatory service reports, either periodically or based on triggers. Neither investment firms nor their professional clients find such service reports useful. Those reports have proved in particular unhelpful for professional clients in extreme volatile markets, as those reports are provided in a high frequency and number. Professional clients often react to those service reports either by not reading those reports, or by making fast investment decisions rather than continuing with a long-term investment strategy. Eligible counterparties should therefore no longer receive such service reports. Professional clients, however, should have the possibility to opt-in to those service reports.

⁽²⁾ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

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- (8) Directive 2014/65/EU introduced reporting requirements on how orders were executed on terms most favourable to the client. Those technical reports contain large amounts of detailed quantitative information about the execution venue, the financial instrument, the price, the costs and the likelihood of execution. They are rarely read by investors, as is evidenced by the very low numbers of downloads from the websites of the investment firms. As they do not enable investors to make any meaningful comparisons on the basis of those data, the publication of those reports should be temporarily suspended.
- (9) In order to facilitate the communication between investment firms and their clients and thus the investment process itself, investment information should no longer be provided on paper but should, as a default option, be provided electronically. Retail clients should however be able to request the continued provision of information on paper.
- (9a) ***The Commission should come forward with a report on the impact of the application of position limits and position management on liquidity, market abuse and orderly pricing and settlement conditions in commodity derivatives markets, as provided for in this Directive. An evidence-based assessment of the commodity derivatives regime and the consultation of a diverse range of stakeholders is essential when reviewing the substance of those provisions, which were adopted in response to the 2009 Pittsburgh and 2011 Cannes G20 summit agreements to improve the regulation, functioning and transparency of commodity derivatives markets and to address excessive price volatility. [Am. 2]***
- (10) Directive 2014/65/EU allows persons that trade in commodity derivatives, emission allowances and derivatives on emission allowances on a professional basis to make use of an exemption from authorisation as an investment firm when their trading activity is ancillary to their main business. Those persons applying for the ancillary activity test are required to notify the relevant competent authority annually that they make use of that possibility and to provide the necessary elements to satisfy the two quantitative tests that determine whether its trading activity is ancillary to its main business. The first test compares the size of an entity's speculative trading activity to the total trading activity in the Union on an asset class basis. The second test compares the size of the speculative trading activity, with all asset classes included, to the total trading activity in financial instruments by the entity at group level. There is an alternative form of the second test, which consists of comparing the estimated capital used for the speculative trading activity to the actual amount of capital used at group level for the main business. Those quantitative tests ***should remain the baseline rule*** for the ***ancillary activity*** exemption. ***As an alternative, national supervisory authorities should be able to be authorised to rely on qualitative elements, subject to clearly defined conditions. ESMA should be empowered to provide guidance on the circumstances under which national authorities could apply a qualitative approach, as well as to develop draft regulatory technical standards on the qualitative criteria.*** Persons that are eligible for the exemption, including market makers, are dealing on own account or providing investment services other than dealing on own account, to customers or suppliers of their main business. The exemption ***would be*** available for both cases individually and on an aggregate basis where this is an ancillary activity, when considered on a group basis. That exemption should not be available for persons who apply a high-frequency algorithmic trading technique or are part of a group the main business of which is the provision of investment services, or banking activities, or acting as a market maker in relation to commodity derivatives. ■
- (11) Competent authorities currently have to establish and apply position limits on the size of a net position which a person can hold at all times in commodity derivatives traded on trading venues and in economically equivalent Over-The-Counter (EOTC) contracts designated by the Commission. As the position limit regime has proved to be unfavourable for the development of new commodity markets, nascent commodity markets should be excluded from the position limit regime. Instead, the position limits should only apply to those commodity derivatives that are deemed significant or critical commodity derivatives and their EOTC contracts. Significant or critical derivatives are energy commodity derivatives with an open interest of at least 300 000 lots over a one-year period. Due to its critical importance for citizens, agricultural commodities that have an underlying that is for human consumption, and their EOTC contracts, will remain under the current position limit regime. ESMA should be mandated to develop draft regulatory standards to define agricultural commodities with an underlying for human consumption subject to position limits and critical or significant derivatives subject to position limits. For significant and critical

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derivatives, ESMA should take into account the 300 000 lots open interest over a one-year period, the number of market participants and the underlying commodity.

- (12) Directive 2014/65/EU does not allow hedging exemptions for any financial entities. Several predominantly commercial groups who set up a financial entity for their trading purposes found themselves in a situation where their financial entity could not carry out all the trading for the group, as the financial entity was not eligible for the hedging exemption. Therefore, a narrowly defined hedging exemption for financial counterparties should be introduced. That hedging exemption should be available where, within a predominantly commercial group, a person has been registered as an investment firm and trades on behalf of that commercial group. To limit this hedging exemption to only those financial entities that trade for the non-financial entities in the predominantly commercial group, that hedging exemption should apply to those positions held by that financial entity that are objectively measurable as reducing risks directly related to the commercial activities of the non-financial entities of the group.
- (13) Even in liquid contracts, only a limited number of market participants typically act as market makers in commodity markets. When those market participants have to apply position limits, they are not in a position to be as effective as market makers. Therefore, an exemption from the position limit regime should be introduced for financial and non-financial counterparties for positions resulting from transactions undertaken to fulfil mandatory liquidity provisions.
- (13a) *The changes to the position limit regime are designed to support the development of new energy contracts, in particular in the electricity market, and do not seek to relax the regime for agricultural commodity contracts.*
- (14) The current position limit regime does not recognise the unique characteristics of securitised derivatives. Securitised derivatives should therefore be excluded from the position limit regime.
- (15) Since the entry into force of Directive 2014/65/EU, no same commodity derivative contracts have been identified. Due to the concept of 'same contract' in that Directive, the methodology for determining the other months' limit is detrimental to the venue with the less liquid market when trading venues are competing on commodity derivatives based on the same underlying and sharing the same characteristics. Therefore, the reference to 'same contract' in Directive 2014/65/EU should be deleted. Competent authorities should be able to agree that the commodity derivatives traded on their respective trading venues are based on the same underlying and share the same characteristics, in which case the baseline for the other months' limit on the most liquid market for that commodity derivative can be used as the baseline limit for setting the other months' position limit for the competing contracts traded on the less liquid venues.
- (16) Significant dissimilarities exist in the way positions are managed by trading venues in the Union. Therefore, position management controls should be reinforced where necessary.
- (17) In order to ensure the further development of euro denominated EU commodity markets, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of which agricultural commodity derivatives should be subject to position limits and which critical or significant derivatives should be subject to position limits, in respect of a procedure for which persons may apply for a hedging exemption for positions resulting from transactions undertaken to fulfil mandatory liquidity provisions, in respect of a procedure for which financial entities that are part of a predominantly commercial group may apply for a hedging exemption for positions held by that financial entity that are objectively measurable as reducing risks directly related to the commercial activities of the non-financial entities of the group, in respect of the clarification of the content of position management controls. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of

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13 April 2016 on Better Law-Making ⁽³⁾). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (18) The EU Emissions Trading System (ETS) is the Union's flagship policy for achieving the decarbonisation of the economy in line with the European Green Deal. Trading in emission allowances and derivatives thereof is subject to Directive 2014/65/EU and to Regulation (EU) No 600/2014 and represents an important element of the Union's carbon market. The ancillary activity exemption under Directive 2014/65/EU enables certain market participants to be active in emission allowance markets without having to be authorised as investment firms, provided certain conditions are met. In view of the importance of orderly, well-regulated and supervised financial markets, the significant role of the ETS in achieving the Union's sustainability objectives, and the role that a well-functioning secondary market in emission allowances has in supporting the functioning of the ETS, it is essential that the ancillary activity exemption is appropriately designed to contribute to those objectives. This is particularly relevant where trading in emission allowances takes place on third country trading venues. In order to ensure the protection of the Union's financial stability, market integrity, investor protection and the level playing field, and to ensure that the ETS continues to function in a transparent and robust manner to ensure cost-effective emission reductions, the Commission should monitor the further development of trading in emission allowances and derivatives thereof in the Union and in third countries, assess the impact of the ancillary activity exemption on the ETS, and where necessary, propose any appropriate amendment as regards the scope and application of the ancillary activity exemption.
- (19) Directive 2014/65/EU should therefore be amended accordingly.
- (20) The objectives pursued by this amendment aim at supplementing already existing Union legislation and can therefore best be achieved at Union level rather than by different national initiatives. Financial markets are inherently cross-border in nature and are becoming more so. Because of that integration, isolated national intervention would be far less efficient and would lead to the fragmentation of markets, resulting in regulatory arbitrage and distortion of competition.
- (20a) Since the objectives of this Directive, namely to refine already existing Union legislation ensuring uniform and appropriate requirements that apply to investment firms throughout the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (21) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽⁴⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (21a) *The aim of the amendments should be to make temporary exceptions and remove clear red tape in order to mitigate the economic crisis; the amendments should therefore avoid opening up more complex issues of the legislation which could risk causing more burdens for the sector. Larger changes to the legislation should first be re-evaluated in the planned review of MiFID II,*

⁽³⁾ OJ L 123, 12.5.2016, p. 1.

⁽⁴⁾ OJ C 369, 17.12.2011, p. 14.

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HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2014/65/EU

Directive 2014/65/EU is amended as follows:

(1) Article 2 is amended as follows:

(a) in paragraph 1, point (j) is replaced by the following:

‘(j) persons:

- (i) dealing on own account, including market makers, in commodity derivatives or emission allowances or derivatives thereof, excluding persons who deal on own account when executing client orders; or
- (ii) providing investment services, other than dealing on own account, in commodity derivatives or emission allowances or derivatives thereof to the customers or suppliers of their main business;

provided that

- for each of those cases individually and on an aggregate basis, the activity is ancillary to their main business, when considered on a group basis;
- those persons are not part of a group the main business of which is the provision of investment services within the meaning of this Directive, the performance of any activity listed in Annex I to Directive 2013/36/EU, or acting as a market-maker for commodity derivatives;
- those persons do not apply a high-frequency algorithmic trading technique;
- those persons report upon request to the competent authority the basis on which they have assessed that their activity under points (i) and (ii) is ancillary to their main business.’;

(b) paragraph 4 is deleted; [**Am. 6**]

(ba) ***the following paragraph is added:***

‘(4a) By way of derogation from paragraph 4 of this Article, Member States may choose to apply qualitative criteria in relation to the exemptions specified in point (j) of paragraph 1.

ESMA shall develop draft regulatory technical standards to provide guidance regarding the qualitative criteria that can be used to assess whether the exemptions specified in point (j) of paragraph 1 of this Article apply.

ESMA shall submit those draft regulatory technical standards to the Commission by 1 April 2021.

Power is delegated to the Commission to adopt the regulatory technical standards referred to in the second subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.’

(2) Article 4(1) is amended as follows:

(a) the following point (8a) is inserted:

‘(8a) “switching of financial instruments” means selling a financial instrument and buying another financial instrument or exercising a right to make a change in regard to an existing financial instrument;’

(b) the following point (50a) is inserted:

‘(50a) “corporate bonds with make-whole clauses” means corporate bonds with a clause that obliges the issuer in case of early repayment to return to the investor the principal amount of the bond and the net present value of the coupons the investor would have received in case the bond had not been called;’

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(c) the following point (62a) is inserted:

‘(62a) “electronic format” means any durable medium other than paper;’

(3) in Article 16(3) the following subparagraph is added:

‘The requirements laid down in the second to fifth subparagraphs of this paragraph shall not apply to corporate bonds with make-whole clauses.’;

(4) Article 24 is amended as follows:

(a) In paragraph 2, the following subparagraph is added:

‘This paragraph shall not apply to corporate bonds with make-whole clauses.’;

(b) In paragraph 4, the following subparagraph is added:

‘Where the agreement to buy or sell a financial instrument is concluded using means of distance communication, **which prevents the prior delivery of the information on costs and charges**, the investment firm may provide the information on costs and charges without undue delay after the conclusion of the transaction, provided that all of the following conditions are met:

- (i) the investment firm has given the client the option of delaying the conclusion of the transaction until the client has received the information;
- (ii) the client has agreed to receive the information **without undue delay** after the conclusion of the transaction.

The investment firm shall offer the client the possibility of receiving such information over the phone prior to the conclusion of the transaction.’;

(c) the following paragraph 5a is inserted:

‘5a. Investment firms shall provide all information required by this Directive to clients or potential clients in electronic format, except where the client or potential client is a retail client or potential retail client who has requested receiving the information on paper, in which case that information shall be provided on paper and free of charge.

Investment firms shall inform retail clients or potential retail clients that they have the option to receive the information on paper.

Investment firms shall inform existing retail clients that used to receive the information required by this Directive on paper about the fact that they will receive that information in electronic form at least eight weeks before sending that information in electronic form. Investment firms shall inform the existing retail clients that they have the choice to either continue receiving information on paper or to switch to information in electronic format. Investment firms shall also inform existing retail clients that an automatic switch to the electronic format will follow where they do not request the continuation of the provision of the information on paper within that eight weeks period. ***Existing retail clients who already receive the information required by this Directive in an electronic format do not need to be informed.***’

(ca) ***the following paragraph 9a is inserted:***

‘9a. Member States shall ensure that investment firms may pay for the provision of execution services and the provision of investment research jointly, provided that all of the following conditions are met:

- (a) ***before the execution or investment research services have been provided, an agreement has been entered into between the investment firm and the research provider, identifying which part of the joint payment is attributable to investment research;***

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- (b) *the investment firm informs its client about the joint payments;*
- (c) *the execution services for which the joint payment is made are exclusively in respect of issuers that did not exceed a market capitalisation of EUR 1 billion during the period of 36 months preceding the provision of the investment research.*

For the purpose of this Article, investment research shall be understood as covering research material or services concerning one or several financial instruments or other assets, or the issuers or potential issuers of financial instruments, or as covering research material or services closely related to a specific industry or market such that it informs views on financial instruments, assets or issuers within that industry or market.

Investment research shall also comprise material or services that explicitly or implicitly recommend or suggest an investment strategy and provide a substantiated opinion as to the present or future value or price of financial instruments or assets, or otherwise contain analysis and original insights and reach conclusions based on new or existing information that could be used to inform about an investment strategy and be relevant and capable of adding value to the investment firm's decisions on behalf of clients being charged for that research.'

- (5) in Article 25(2), the following subparagraph is added:

*'When providing investment advice or portfolio management services that involve switching of financial instruments, investment firms shall analyse the costs and benefits of the switching of financial instruments. **When providing investment advice, investment firms shall** inform the client whether or not the benefits of such switching of financial instruments are greater than the costs involved in such switching.'*

- (5a) in Article 25(6), the following subparagraph is added:

'This paragraph does not apply to obligations related to loss reporting thresholds as laid down in Article 25a of this Directive.'

- (5b) in Article 25(8), the introductory part is amended as follows:

*'8. The Commission shall be empowered to adopt delegated acts in accordance with Article 89 to ensure that investment firms comply with the principles set out in paragraphs 2 to 6 of this Article when providing investment or ancillary services to their clients, including information to obtain when assessing the suitability or appropriateness of the services and financial instruments for their clients, criteria to assess non-complex financial instruments for the purposes of point (a)(vi) of paragraph 4 of this Article, the content and the format of records and agreements for the provision of services to clients and of periodic reports to clients on the services provided, **but excluding obligations related to loss reporting thresholds laid down in Article 25a.** Those delegated acts shall take into account.'*

- (5c) the following Article 25a is inserted:

'Article 25a

Loss reporting thresholds

(1) Investment firms providing the service of portfolio management shall inform the client where the overall value of the portfolio, as evaluated at the beginning of each reporting period, depreciates by 10 % and thereafter at multiples of 10 %, no later than the end of the business day in which the threshold is exceeded or, in a case where the threshold is exceeded on a non-business day, the end of the next business day.

(2) Investment firms that hold a retail client account that includes positions in leveraged financial instruments or contingent liability transactions shall inform the client, where the initial value of any instrument depreciates by 10 % and thereafter at multiples of 10 %. Reporting under this paragraph should be on an instrument-by-instrument basis, unless otherwise agreed with the client, and shall take place no later than the end of the business day in which the threshold is exceeded or, in a case where the threshold is exceeded on a non-business day, the end of the next business day.'

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- (6) in Article 27(3), the following subparagraph is added:

*'The reporting requirement laid down in this paragraph shall however not apply until [date of entry into force of this amending Directive + 2 years]; **the European Commission shall comprehensively review the adequacy of the reporting requirements in this paragraph and submit a report to the European Parliament and the Council by [date of entry into force of this amending Directive + 1 year].***

- (6a) in Article 27(6) the following subparagraph is added:

*'**The European Commission shall comprehensively review the adequacy of the reporting requirements in this paragraph and submit a report to the European Parliament and the Council by [date of entry into force of this amending Directive + 1 year].***

- (7) the following Article 29a is inserted:

Article 29a

Services provided to professional clients

(1) The requirements laid down in point (c) of Article 24(4), shall not apply to services provided to professional clients except for investment advice and portfolio management. **The requirements laid down in point (c) of Article 24(4) shall also not apply to eligible counterparties.**

(2) The requirements laid down in the third subparagraph of Article 25(2) and in Article 25(6) shall not apply to services provided to professional clients, unless those clients inform the investment firm in writing that they wish to benefit from the rights provided for in those provisions.

(3) Member States shall ensure that investment firms keep a record of the written requests referred to in paragraph 2.;

- (8) in Article 30, paragraph 1 is replaced by the following:

'1. Member States shall ensure that investment firms authorised to execute orders on behalf of clients, to deal on own account, or to receive and transmit orders, have the possibility to bring about or enter into transactions with eligible counterparties without being obliged to comply with Article 24, with the exception of paragraph 5a, Article 25, Article 27 and Article 28(1), in respect of those transactions or in respect of any ancillary service directly relating to those transactions.'

- (9) Article 57 is amended as follows:

- (a) paragraph 1 is replaced by the following:

'1. Member States shall ensure that competent authorities, in line with the methodology for calculation determined by ESMA in regulatory technical standards adopted in accordance with paragraph 3, set and apply position limits on the size of a net position which a person can hold at all times in agricultural commodity derivatives and critical or significant commodity derivatives that are traded on trading venues, and in economically equivalent OTC contracts. The limits shall be set based on all positions held by a person and those held on his or her behalf at an aggregate group level in order to:

(a) prevent market abuse;

(b) support orderly pricing and settlement conditions, including preventing market distorting positions, and ensuring, in particular, convergence between prices of derivatives in the delivery month and spot prices for the underlying commodity, without prejudice to price discovery on the market for the underlying commodity.;

The position limits shall not apply to:

(a) positions held by, or on behalf of, a non-financial entity, and which are objectively measurable as reducing risks directly relating to the commercial activity of that non-financial entity.;

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- (b) positions held by, or on behalf of, a financial entity that is part of a non-financial group and is acting on behalf of this non-financial group and which are objectively measurable as reducing risks directly relating to the commercial activity of that non-financial group;
- (c) positions held by financial and non-financial counterparties for positions that are objectively measurable as resulting from transactions entered into to fulfil obligations to provide liquidity on a trading venue as referred to in point (c) of the fourth subparagraph of Article 2(4);
- (d) securities as referred to in point (44)(c) of Article 4(1) which relate to a commodity or an underlying as referred to in section C(10) of Annex I.”;

ESMA shall develop draft regulatory technical standards to determine a procedure for financial entities that are part of a predominantly commercial group and who may apply for a hedging exemption for positions held by that financial entity that are objectively measurable as reducing risks directly related to the commercial activities of the non-financial entities of the group. ESMA shall develop draft regulatory technical standards to determine a procedure setting out how persons may apply for a hedging exemption for positions resulting from transactions entered into to fulfil obligations to provide liquidity on a trading venue.

ESMA shall submit those draft regulatory technical standards to the Commission by ... [9 months after entry into force of this Directive].

Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010;.

- (b) paragraphs 3 and 4 are replaced by the following:

‘3. ESMA shall develop draft regulatory technical standards to specify the agricultural commodity derivatives and critical or significant commodity derivatives referred to in paragraph 1, and to determine the calculation methodology that competent authorities are to apply when establishing the spot month position limits and other months’ position limits for physically settled and cash settled commodity derivatives based on the characteristics of the relevant derivative concerned.

When specifying critical or significant commodity derivatives, ESMA shall take into account the following factors:

- (a) the size of open interest of 300 000 lots on average over one year
- (b) the number of market participants;
- (c) the commodity underlying the derivative concerned.

When determining the calculation methodology referred to in the first subparagraph, ESMA shall take into account the following factors:

- (a) the deliverable supply in the underlying commodity;
- (b) the overall open interest in that derivative and the overall open interest in other financial instruments with the same underlying commodity;
- (c) the number and size of the market participants;
- (d) the characteristics of the underlying commodity market, including patterns of production, consumption and transportation to market;
- (e) the development of new derivatives;
- (f) the experience of investment firms or market operators operating a trading venue and of other jurisdictions regarding the position limits.

ESMA shall submit the draft regulatory technical standards referred to in the first subparagraph to the Commission by [9 months after entry into force of this Directive].

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Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.

4. A competent authority shall set position limits for critical or significant contracts in commodity derivatives traded on trading venues and for agricultural commodity derivatives based on the methodology for calculation determined in regulatory technical standards adopted by the Commission pursuant to paragraph 3. That position limit shall include economically equivalent OTC contracts.

A competent authority shall review position limits where there is a significant change on the market, including significant change in deliverable supply or open interest, based on its determination of deliverable supply and open interest, and reset the position limit in accordance with the methodology for calculation laid down in the regulatory technical standards adopted by the Commission pursuant to paragraph 3.;

(c) paragraphs 6, 7 and 8 are replaced by the following:

‘6. Where agricultural commodity derivatives and critical or significant commodity derivatives based on the same underlying and sharing the same characteristics are traded in significant volumes on trading venues in more than one jurisdiction, the competent authority of the trading venue where the largest volume of trading takes place (“central competent authority”) shall set the single position limit to be applied on all trading in that derivative. The central competent authority shall consult the competent authorities of other trading venues on which that derivative is traded in significant volumes on the single position limit to be applied and any revisions to that single position limit. Competent authorities that do not agree with the setting of the single position limit by the central competent authority shall state in writing the full and detailed reasons why they consider that the requirements laid down in paragraph 1 have not been met. ESMA shall settle any dispute arising from a disagreement between competent authorities.

The competent authorities of the trading venues where agricultural commodity derivatives and critical or significant commodity derivatives that are based on the same underlying and that share the same characteristics are traded, and the competent authorities of position holders in those derivatives, shall put in place cooperation arrangements, which shall include the exchange of relevant data, in order to enable the monitoring and enforcement of the single position limit.

7. ESMA shall monitor at least once a year the way competent authorities have implemented the position limits set in accordance with the methodology for calculation established by ESMA under paragraph 3. In doing so, ESMA shall ensure that a single position limit effectively applies to the agricultural commodity derivatives and critical or significant contracts based on the same underlying and sharing the same characteristics irrespective of where it is traded in line with paragraph 6.

8. Member States shall ensure that an investment firm or a market operator operating a trading venue which trades commodity derivatives apply position management controls, including powers for the trading venue to:

- (a) monitor the open interest positions of persons;
- (b) obtain information, including all relevant documentation, from persons about the size and purpose of a position or exposure entered into, information about beneficial or underlying owners, any concert arrangements, and any related assets or liabilities in the underlying market, including, where appropriate, positions held in related contracts on other trading venues and OTC through members and participants;
- (c) require a person to terminate or reduce a position, on a temporary or permanent basis, and to unilaterally take action to ensure the termination or reduction of the position where the person does not comply with such request; and
- (d) require a person to provide, on a temporary basis, liquidity back into the market at an agreed price and volume with the express intent of mitigating the effects of a large or dominant position.

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ESMA shall develop draft regulatory technical standards to specify the content of position management controls, thereby taking into account the characteristics of the trading venues concerned.

ESMA shall submit those draft regulatory technical standards to the Commission by [9 months after entry into force of this Directive].

Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph in accordance with Articles 10 to 14 of Regulation (EU) No 1095/2010.;

(10) in Article 58, paragraph 2 is replaced by the following:

‘2. Member States shall ensure that investment firms trading in commodity derivatives or emission allowances or derivatives thereof outside a trading venue provide the central competent authority referred to in Article 57(6), on at least a daily basis, with a complete breakdown of their positions taken in commodity derivatives or emission allowances or derivatives thereof traded on a trading venue and economically equivalent OTC contracts, as well as of those of their clients and the clients of those clients until the end client is reached, in accordance with Article 26 of Regulation (EU) No 600/2014 and, where applicable, of Article 8 of Regulation (EU) No 1227/2011.’

(11) in Article 90, the following paragraph 1a is inserted:

‘1a. Before 31 December 2021, the Commission shall review the impact of the exemption laid down in Article 2 (1), point (j), with regard to emission allowances or derivatives thereof, and shall accompany that review, where appropriate, with a legislative proposal to amend that exemption. In this context, the Commission shall assess the trading in EU emission allowances and derivatives thereof in the EU and in third countries, the impact of the exemption under Article 2(1), point (j), on investor protection, the integrity and transparency of the markets in emission allowances and derivatives thereof and whether measures should be adopted in relation to trading that takes place on third country trading venues.’

Article 1a

Changes to Directive (EU) 2019/878

Article 2(1) of Directive (EU) 2019/878 is amended as follows:

(1) **the first subparagraph is replaced by the following:**

‘Member States shall adopt and publish, by 28 December 2020:

- (i) **the measures necessary to comply with the provisions of this Directive insofar as they concern credit institutions;**
- (ii) **the measures necessary to comply with Article 1(1) and (9) of this Directive as regards Article 2(5) and (6) and Article 21b of Directive 2013/36/EU, insofar as they concern credit institutions and investment firms.’**

(2) **the following subparagraph is inserted after the first subparagraph:**

‘They shall immediately inform the Commission thereof.’

Article 1b

Changes to Directive 2013/36/EU

The third, fourth and fifth subparagraphs of Article 94(2) are replaced by the following:

‘For the purpose of identifying staff whose professional activities have a material impact on the institution’s risk profile as referred to in Article 92(2), except as regards staff in investment firms as defined in point (2) of Article 4(1) of Regulation (EU) No 575/2013, EBA shall develop draft regulatory technical standards setting out the criteria to define the following:

(a) **managerial responsibility and control functions;**

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- (b) *material business unit and significant impact on the relevant business unit's risk profile; and*
- (c) *other categories of staff not expressly referred to in Article 92(2) whose professional activities have an impact on the institution's risk profile comparably as material as that of those categories of staff referred to therein.*

EBA shall submit those draft regulatory technical standards to the Commission by 28 December 2019.

Power is delegated to the Commission to supplement this Directive by adopting the regulatory technical standards referred to in this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010. As regards regulatory technical standards applying to investment firms as defined in point (2) of Article 4(1) of Regulation (EU) No 575/2013, the empowerment laid down in Article 94(2) of this Directive as amended by Directive (EU) 2018/843 of the European Parliament and of the Council, shall continue to apply until 26 June 2021.'

Article 2

Transposition

- (1) Member States shall adopt and publish by [9 months from the entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those measures.

Member States shall apply those measures from ... [12 months from the entry into force of this Directive].

- (2) Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 2a

Review clause

By 31 July 2021 at the latest, after consulting ESMA, and based on the outcome of a public consultation to be conducted by the Commission with sufficient lead time, the Commission shall present a proposal for a review of Directive 2014/65/EU and Regulation (EU) No 600/2014. The review shall be broad and shall take into account issues such as those related to market structure, data, trading and post trading, research rules, rules on payment of inducements to advisors, level of professional qualifications of advisers in Europe, client categorisation and Brexit.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President

Friday 26 November 2020

P9_TA(2020)0324

The application of Union tariff rate quotas and other import quotas *I**

European Parliament legislative resolution of 26 November 2020 on the proposal for a regulation of the European Parliament and of the Council on the application of Union tariff rate quotas and other import quotas (COM(2020)0375 — C9-0274/2020 — 2020/0176(COD))

(Ordinary legislative procedure: first reading)

(2021/C 425/27)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0375),
 - having regard to Article 294(2) and to Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0274/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 18 November 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 International Trade (A9-0216/2020),
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.

P9_TC1-COD(2020)0176

Position of the European Parliament adopted at first reading on 26 November 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council on the application of Union tariff rate quotas and other import quotas

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2020/2170.)

Friday 26 November 2020

P9_TA(2020)0333

Elimination of customs duties on certain products *I**

European Parliament legislative resolution of 26 November 2020 on the proposal for a regulation of the European Parliament and of the Council on the elimination of customs duties on certain products (COM(2020)0496 — C9-0284/2020 — 2020/0253(COD))

(Ordinary legislative procedure: first reading)

(2021/C 425/28)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0496),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0284/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 18 November 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 International Trade (A9-0217/2020),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2020)0253

Position of the European Parliament adopted at first reading on 26 November 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council on the elimination of customs duties on certain goods

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2020/2131.)

Friday 26 November 2020

P9_TA(2020)0334

Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland *I**

European Parliament legislative resolution of 26 November 2020 on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 428/2009 by granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland (COM(2020)0692 — C9-0345/2020 — 2020/0313(COD))

(Ordinary legislative procedure: first reading)

(2021/C 425/29)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0692),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0345/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 18 November 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.

P9_TC1-COD(2020)0313

Position of the European Parliament adopted at first reading on 26 November 2020 with a view to the adoption of Regulation (EU) 2020/... of the European Parliament and of the Council amending Annex IIa to Council Regulation (EC) No 428/2009 as regards granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2020/2171.)

Friday 26 November 2020

P9_TA(2020)0335

Temporary measures in relation to value added tax for COVID-19 vaccines and in vitro diagnostic medical devices in response to the COVID-19 pandemic

European Parliament legislative resolution of 26 November 2020 on the proposal for a Council directive amending Council Directive 2006/112/EC as regards temporary measures in relation to value added tax for COVID-19 vaccines and in vitro diagnostic medical devices in response to the COVID-19 pandemic (COM(2020)0688 — C9-0352/2020 — 2020/0311(CNS))

(Special legislative procedure — consultation)

(2021/C 425/30)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2020)0688),
 - having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0352/2020),
 - having regard to Rules 82 and 163 of its Rules of Procedure,
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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