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P9_TC1-COD(2019)0272

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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

2021-2022 SESSION

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TEXTS ADOPTED

Tuesday 27 April 2021

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2021)0122

Implementation report on the road safety aspects of the Roadworthiness Package

European Parliament resolution of 27 April 2021 on the implementation report on the road safety aspects of the Roadworthiness Package (2019/2205(INI))

(2021/C 506/01)

The European Parliament,

— having regard to the Roadworthiness Package, comprising Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers ([1]), Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles ([2]), and Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union ([3]),

— having regard to its resolution of 14 November 2017 on saving lives: boosting car safety in the EU ([4]),

— having regard to its resolution of 31 May 2018 with recommendations to the Commission on odometer manipulation in motor vehicles: revision of the EU legal framework ([5]),

— having regard to the Commission communication of 20 July 2010 entitled 'Towards a European road safety area: policy orientations on road safety 2011-2020' (COM(2010)0389),

— having regard to the Commission Staff Working Document 'EU Road Safety Policy Framework 2021-2030 — Next steps towards Vision Zero' (SWD(2019)0283),

— having regard to the United Nations Sustainable Development Goals (SDGs), in particular SDG 3.6 of halving the number of global deaths and injuries from road traffic accidents by 2020, and SDG 11.2 of providing by 2030 access to safe, affordable, accessible and sustainable transport systems for all and improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and elderly persons;

— having regard to the Commission communication entitled 'Sustainable and Smart Mobility Strategy — Putting European transport on track for the future' (COM(2020)0789),

([1]) OJ L 127, 29.4.2014, p. 51.
([2]) OJ L 127, 29.4.2014, p. 129.
([3]) OJ L 127, 29.4.2014, p. 134.
([4]) OJ C 356, 4.10.2018, p. 2.
([5]) OJ C 76, 9.3.2020, p. 151.

— having regard to its resolution on a European strategy on Cooperative Intelligent Transport Systems ([6]), which calls on the Commission to rapidly publish a legislative proposal on access to in-vehicle data and resources,

— having regard to the Commission communication of 16 February 2020 on a European strategy for data (COM(2020)0066), which mentions the update of current legislation on access to in-vehicle data to ensure fair access to certain car data,

— having regard to the European implementation assessment commissioned by the European Parliamentary Research Service and published in September 2020 on the implementation of the Roadworthiness Package,

— having regard to the Commission report of 4 November 2020 on the implementation of Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers (COM(2020)0699),

— having regard to the Commission report of 3 November 2020 on the implementation of Directive 2014/47/EU on the technical roadside inspection of commercial vehicles circulating in the Union (COM(2020)0676),

— having regard to the study commissioned by the Commission's Directorate-General for Mobility and Transport (DG MOVE) and published in February 2019 on the inclusion of light trailers and two- or three-wheel vehicles in the scope of the periodic roadworthiness testing,

— having regard to the study commissioned by DG MOVE and published in February 2019 on the inclusion of eCall in the periodic roadworthiness testing of motor vehicles,

— having regard to the feasibility study commissioned by DG MOVE and published in April 2015 on the Vehicle Information Platform,

— having regard to Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users ([7]),

— having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

— having regard to the report of the Committee on Transport and Tourism (A9-0028/2021),

A. whereas in 2010 the EU adopted a road safety policy aimed at reducing the number of road fatalities by 50 % by 2020; whereas in 2011 the EU set out the 'vision zero' objective, which envisages zero fatalities in road transport by 2050; whereas in 2019, around 22 800 people died and some 135 000 were seriously injured on Europe's roads; whereas more effective and more coordinated measures need to be taken at EU level and by the Member States if the vision zero goal is to be achieved;

B. whereas despite efforts to improve road safety in the EU, progress in reducing road fatality rates has, albeit considerable, been too slow in recent years; whereas technical defects in vehicles are deemed responsible for around 5 % of accidents involving vehicles in freight transport; whereas poor maintenance of vehicles is deemed responsible for 4 % of accidents involving road users;

C. whereas preliminary figures for 2019 show that there were fewer fatalities on EU roads compared to the previous year, but that progress remains too slow; whereas it is certain that the EU target of halving the number of road deaths between 2010 and the end of 2020 will be missed by approximately half, as only a 23 % decrease has been registered so far; whereas frequent, detailed and periodic vehicle inspections carried out by well-qualified inspectors, as well as technical roadside inspections, are fundamental for increasing road safety;

([6]) OJ C 162, 10.5.2019, p. 2.
([7]) OJ L 325, 16.12.2019, p. 1.

D. whereas the massive divergence of road fatality rates between Member States, with over four times more road deaths in the worst-performing country than in the best, underlines the need for special monitoring, partnership and assistance to the Member States with the worst results;

E. whereas major differences in road safety still persist between the Member States in Eastern Europe and those in Western Europe; whereas the former are often becoming the destination for the second-hand car fleet originating from the latter, which may pose both human safety and environmental risks that need to be considered at EU level;

F. whereas, besides climate and environmental concerns, vehicle roadworthiness is also a matter of public health, both in terms of ensuring road safety and also in relation to the impact of emissions on air quality; whereas recent emission scandals proved the need for independent inspections over the entire lifetime of a vehicle, taking into account its actual emissions;

G. whereas an analysis of Member States' transposition and implementation of the Roadworthiness Package reveals that harmonisation procedures need to be enhanced at EU level;

H. whereas the second-hand car market in the European Union is two to three times larger than the market of new cars, and whereas odometer fraud in second-hand cars seriously compromises road safety; whereas studies estimate the share of tampered vehicles to be between 5 and 12 % of used cars in national sales and between 30 and 50 % of cross-border sales; whereas only six Member States recognise odometer manipulation as a criminal offence; whereas the lack of a common European database also hinders the law enforcement against such fraudulent practices;

I. whereas the increased use of automated driving features requires an update of the Roadworthiness Package to include inspection and training vis-à-vis the new advanced driving assistance features to be introduced as from 2022;

J. whereas some Member States have already introduced instruments to minimise odometer manipulation such as 'Car-Pass' in Belgium and 'Nationale AutoPas' (NAP) in the Netherlands; whereas both these Member States use a database for collecting odometer readings at every maintenance, service, repair and periodical inspection of the vehicle, without collecting any personal data, and both have almost eradicated odometer fraud in their domains within a short timeframe;

K. whereas the quality of road infrastructure is of paramount importance for road safety; whereas connectivity and digital infrastructure are, and will be more and more, of paramount importance for road safety with the rise of connected and autonomous vehicles;

Recommendations

Transposition and implementation of the Roadworthiness Package — EU safety objectives

1. Welcomes the fact that the transposition of the Roadworthiness Package and the implementation of some of its provisions have shown an improved harmonisation of national procedures, in particular as far as the frequency, content and method of vehicle inspection tests is concerned;

2. Welcomes the fact that the transposition of the Roadworthiness Package has helped to improve the quality of the periodic technical inspections, the qualification level of inspectors, and Member States' coordination and standards relating to roadside inspection of vehicles, in order to enhance road safety;

3. Regrets the fact that, despite the better quality of the periodic technical inspections and the positive implications of this for road safety, the Roadworthiness Package contains some non-mandatory provisions that have not been transposed with sufficient stringency or simply not been transposed at all; highlights the need to gradually move away from voluntary provisions and develop a system of obligatory requirements to increase the harmonisation at EU level of aspects such as cargo securing, information exchange and cooperation between the Member States, and recalls the particular importance of these measures for cross-border regions;

4. Regrets the fact that several Member States have not transposed the Roadworthiness Package on time and that the Commission had to launch infringement procedures against one Member State; urges the Member States in question to swiftly transpose the missing provisions of the Roadworthiness Package into their national legislation, and to fully implement all their obligations for the establishment of complete technical information, given that road safety for European citizens is European Union priority;

5. Regrets that inadequate financing for inspection activities, including inspection staff, equipment and training, continues to jeopardise the achievement of Roadworthiness objectives; stresses that Member States should put sufficient financial and administrative support at the disposal of their road safety authorities to efficiently implement the Roadworthiness Package and its future revised version;

Frequency and content of tests

6. Welcomes the fact that following the entry into force of the Roadworthiness Package, 90 % of vehicle inspections have occurred according to the same intervals as or at even more stringent intervals than those set by the Package, contributing to a large extent to reducing the number of unsafe vehicles circulating on EU roads; regrets the fact, however, that some Member States still require longer intervals than those set by the Package, reducing safety on running conditions; calls on the Member States in question to comply with the intervals set by the Package without further delay, as the security and lives of EU citizens are at stake;

7. Calls on the Commission to consider tightening the test regime and introducing the obligation of additional checks after reaching a specified mileage for vehicles of category M1 in use as a taxi or ambulance and vehicles of category N1 used by parcel delivery service providers and to consider extending this obligation to other vehicles within these categories in use for further commercial purposes;

8. Notes the rise in the use of individual vehicles and shared mobility for public transport and/or logistics purposes; requests that the Commission assess whether the frequency of inspections of these vehicles should be increased accordingly, by including a possibility for an annual mandatory inspection or by reflecting for example the intensity of their circulation in terms of mileage and the related obsolescence of components, as well as the quantity of passengers transported;

9. Notes that the mutual recognition of roadworthiness tests for second-hand vehicles imported from other Member States is not envisaged in cases in which Member States have different periodicity of tests, hence the Package provides only limited mutual recognition in this regard; calls on the Commission to incorporate an EU certification for second-hand cars into the next revision of the Roadworthiness Package;

10. Notes that motorcyclists are considered vulnerable road users, and fatality rates among motorcyclists are decreasing the slowest among all vehicles users in the EU; notes that the tampering and tuning of mopeds in particular is increasing the risk of accidents for young people and young adults; calls on the Commission therefore to consider extending the obligation to conduct roadside inspections to two- and three-wheel vehicles, including the 5 % minimum yearly inspection target, as these vehicles are currently completely excluded from the scope of Directive 2014/47/EU;

11. Calls on the Commission to consider ending exceptions from the obligation for periodical technical inspections for two- and three-wheel vehicles, as currently possible under Directive 2014/45/EU; calls on the Commission to assess in its forthcoming evaluation the possibility to include in the obligatory periodical technical inspection regime also categories of two and three-wheel vehicles with an engine displacement of less than 125 cm^3 and light trailers, on the basis of the relevant road accident data and cost-benefit factors such as proximity of testing sites in remote areas, administrative burden and financial costs for EU citizens; asks the Commission to base its assessment on a comparison of the results between countries where periodical technical inspections (PTI) are already in force for all vehicles in these categories and countries that do not conduct such tests and the effects in terms of road safety; calls for the introduction of an additional check schedule, based on the mileage reached, for motorcycles used for parcel or food delivery or other commercial carriage of goods or persons;

12. Notes that the tolerance level for expired periodical technical inspections varies greatly across Member States from up to four months to zero tolerance; calls on the Commission to harmonise the tolerance level by introducing a maximum level of a short period of time that does not compromise the timely implementation of periodic technical inspections and by increasing the consequent penalties for non-compliance;

13. Recalls that vehicles adapted to be driven by persons with disabilities have particular functionalities and setups; points out that vehicles used for the transport of passengers with disabilities must comply with specific technical conditions such as anchored belts, as well as adapted spaces in order ensure their safety; stresses the need to ensure that all these essential features are duly incorporated into every inspection;

14. Deplores the fact that Member States have hitherto put in place only generic measures when transposing provisions on penalties for odometer fraud; urges the Member States to comply with this clear requirement of the Roadworthiness Package, to transpose more targeted measures into their national legislation without further delay and to provide the necessary human and financial resources for its enforcement; regrets the fact that the current provision on penalties for odometer fraud remains weak, as it only requires them to be 'effective, proportionate, dissuasive and non-discriminatory', leaving the actual amounts and corresponding dissuasive measures largely to the discretion of Member States; considers that more harmonised and concrete penalties for odometer fraud should be laid down in the next revision along with further robust anti-tampering measures, including adequate cybersecurity mechanisms and encryption technologies to put obstacles to electronic tampering and make it easier to detect; calls on the Commission to prescribe the guaranteed accessibility of certain vehicle-specific data, functions and software information for inspection organisations; calls for a requirement for Member States to create legal, technical and operational barriers in order to make odometer manipulations impossible; stresses that the absence of a consistent database of mileage data collection for second-hand cars, mutually recognised and exchanged between the Member States, is an essential barrier for the detecting of odometer frauds;

15. Calls on the Commission to include in the next revision of the Package mandatory provisions enabling the Member States to register mandatory odometer readings from each inspection, service, maintenance operation and major repair carried out, starting with the vehicle's first registration;

16. Calls on the Commission to take due account of the new emissions tests in real driving conditions provided for in the Euro 6 regulation and possible future revisions; calls on the Commission to include measurements that would reflect such tests within the scope of periodic technical inspections and any other possible developments in the next review of the Roadworthiness Package; calls on the Commission and the Member States to harmonise both the technologies for measuring emissions in roadworthiness tests and the maximum tolerable levels to ensure that all vehicles in European roads comply with emissions standards;

Equipment used and training of inspectors

17. Welcomes the fact that in all Member States, following the entry into force of the Roadworthiness Package, testing equipment has been harmonised and fulfils certain minimum requirements, thus improving the uniformity of roadworthiness checks across the EU;

18. Notes that although all Member States have introduced minimum qualifications for inspectors carrying out roadworthiness checks, some do not follow the requirements prescribed by Annex IV to Directive 2014/45/EU on periodic roadworthiness tests; calls on those Member States to align their requirements accordingly; asks the Commission to promote an exchange of good practices and lessons learnt among Member States on how to implement Annex IV to Directive 2014/45/EU and to assess the need for regular refresher trainings and appropriate examinations; calls on the Commission to promote regular updates and harmonisation of the training content among Member States to adjust inspectors' knowledge and skills to the developing process of automation and digitalisation of the automotive sector, particularly in relation to advanced driving assistance, driverless systems and the use of electronic information exchange systems among national authorities responsible for road safety, including on safe data sharing, cybersecurity and drivers' personal data protection; underlines that manipulation and fraud in electronic safety features, such as advanced driving assistance systems, pose a high safety risk and therefore need to be detected by inspectors; stresses that inspectors should be given specific training on checking software integrity;

19. Reiterates that steps should be taken to guarantee the independence of inspectors and inspection organisations from the vehicle trade, maintenance and repair industry to avoid any financial conflicts of interest, including for checking emissions, while providing stronger safeguards in terms of civil liability for all parts;

Technical roadside inspections and cargo securing

20. Notes that according to Commission reports, roadside inspections of commercial vehicles have been falling in the last six years; deplores this trend and recalls that under the Roadworthiness Package, Member States have since 2018 been obliged to ensure that a minimum number of roadside inspections are carried out in relation to the number of registered vehicles on their territory (5 %); calls on Member States to step up their efforts to reach the 5 % minimum target, and recalls

that the first reporting obligation when this target will be scrutinised will be due by 31 March 2021 for the years 2019-2020; calls on the Commission to include vehicles in category N1 ([8]) used for commercial road haulage purposes in the scope of roadside inspections, given their increase in number and high mileage;

21. Calls on the Commission to work with Member States to further improve the quality and non-discriminatory nature of these roadside inspections in line with internal market rules, for example by setting and collecting key performance indicator (KPI) data and encouraging the use of risk rating profile systems for a better targeting of checks and penalties, especially for repeat offenders, while fully respecting the EU data protection framework;

22. Deplores the fact that cuts in national budget spending on road safety law enforcement and road maintenance seems to have contributed to less frequent roadside inspections over the past few years; calls in this regard on national authorities to guarantee increased financing of inspection activities, particularly in view of the potential introduction of mandatory testing for new types of vehicles;

23. Regrets the fact that the provisions in the Roadworthiness Package relating to the inspection of cargo securing are not mandatory, leading to only a few Member States transposing the relevant safety measures; concludes, therefore, that harmonisation is far from accomplished in this regard; urges the Commission to propose a reinforcement of these provisions in the next revision, including on harmonised minimum requirements for cargo securing, mandatory cargo securing equipment for each vehicle and for the minimum range of competences, training and knowledge for both the personnel involved in cargo securing and for the inspectors;

Information records and data exchange between the Member States

24. Regrets the fact that only a few Member States keep a national electronic database of the major and dangerous deficiencies brought to light by roadside inspections and that Member States seldom notify the results of these inspections to the national contact point of the Member State in which the vehicle is registered; regrets the fact that the Roadworthiness Package does not set out any action that the Member State of registration should take once it has been notified of such major and dangerous deficiencies; urges the Commission to reinforce these provisions in the next revision, including by setting a unified scheme of actions which should be taken by the Member State of registration after receiving such a notification;

25. Calls on the Commission, in view of the electronic data record for vehicles under the Roadworthiness Package, to consider amending Directive 2014/46/EU on registration documents for vehicles in order to end the obligation of delivery of physical documents and the obligation for the driver to present printed registration certificates; notes that conditions should be put in place for inspectors to make full use of electronic records;

26. Calls on the Member States to facilitate systematic data exchange on roadworthiness testing and odometer readings between their respective competent authorities for testing, registration and vehicle approval, test equipment manufacturers and vehicle manufacturers; welcomes, in this regard, the Commission's feasibility study on the Vehicle Information Platform; calls on the Commission and the Member States to work to ensure that a Vehicle Information Platform is set up as part of the next revision in order to expedite and facilitate data exchange and ensure more effective coordination between the Member States; stresses that this Vehicle Information Platform should enable an entirely paperless process of inspection and data exchange, in full respect of cybersecurity and data protection vis-à-vis third parties; welcomes in this regard the deployment by the Commission of the EU MOVEHUB platform and its recently developed ODOCAR module, providing an IT infrastructure for the exchange of odometer readings across the Union based on a database solution, including the possibility to exchange information with the Eucaris network; calls on the Commission to evaluate whether the use of the EU MOVEHUB should be made mandatory for Member States in a future revision;

27. Calls on the Commission to assess during the next revision the possibility of including, as part of a mandatory data exchange on vehicle history between registration authorities, not only odometer readings but also information about accidents and the frequency of significant malfunctions, as this would ensure that EU citizens are protected from fraud and better informed as regards the history and state of their vehicles and formerly hidden vehicle repairs; considers that road accidents should trigger additional inspections, which help to ensure that vehicles are properly repaired and enhance road safety;

([8]) Vehicles used for the carriage of goods and which have a maximum mass not exceeding 3,5 tonnes (e.g. pick-up trucks, vans).

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A future-proof framework

28. Calls on the Commission to take due account of the technical progress in vehicle safety features for the next revision; notes that pursuant to Regulation (EU) 2019/2144, new vehicles will need to start being equipped with new advanced safety and driver assistance systems from 2022; calls on the Commission to include such new systems within the scope of periodic technical inspections as well as the skills and knowledge of vehicle inspectors, and to reduce the risk of tampering and manipulation of such systems; requests that the Commission also include eCall as well as software and 'over-the-air' updates in periodic technical inspections ([9]), and that it draw up guidelines and standards for regular safety checks and inspections of autonomous and connected vehicles; calls on the Commission to explore the further use of sensors embedded in vehicles in the context of roadside inspections, and to pay special attention to the particular requirements of self-diagnosis systems of vehicles and to the overriding principle of public health; calls in this regard on car manufacturers and authorities to cooperate on the implementation of new driving assistance technologies, in order to ensure permanent compliance with standards and to help foresee future trends;

29. Notes the rise of new modes of transport using public roads such as e-scooters, onewheels and hoverboards, among others; requests that the Commission assess whether these new modes should be addressed in the upcoming revision with the aim of improving road safety;

30. Calls on the Commission to organise a European Year of Road Safety within the coming years, in preparation for 2030 as the intermediate target date for the achievement of Vision Zero;

31. Calls on the Commission and the Member States to ensure adequate funding for road infrastructure quality, in particular maintenance; furthermore, calls on the Commission to strengthen its approach to maintenance by taking appropriate measures to enhance long-term maintenance planning by Member States; notes that connectivity and digital security will be of paramount importance for the upcoming rise of connected and autonomous vehicles;

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

([9]) See Annexes I and III to Directive 2014/45/EU.

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P9_TA(2021)0123

Chemical residues in the Baltic Sea based on petitions 1328/2019 and 0406/2020 under Rule 227(2)

European Parliament resolution of 27 April 2021 on chemical residues in the Baltic Sea, based on Petitions Nos 1328/2019 and 0406/2020 (2021/2567(RSP))

(2021/C 506/02)

The European Parliament,

— having regard to Petitions Nos 1328/2019 and 0406/2020,

— having regard to Article 3(3) of the Treaty on European Union, Articles 4 and 191 of the Treaty on the Functioning of the European Union, and Articles 35 and 37 of the Charter of Fundamental Rights of the European Union,

— having regard to its resolution of 18 September 1997 on the ecological problem of the Baltic Sea [1], the objective of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy [2] to reduce pollution and hazardous substances, and the commitment of the Member States to monitor underwater chemical munitions under Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) [3],

— having regard to the commitments to 'save the sea' and make the Baltic Sea Region a world leader in maritime security under the EU Strategy for the Baltic Sea Region, and the commitment of the EU Member States to eliminate sea-dumped chemical munitions and unexploded ordnances under the EU Maritime Security Strategy Action Plan,

— having regard to the Commission's zero pollution ambition for a toxic-free environment as set out in Chapter 2.1.8 of its communication of 11 December 2019 on the European Green Deal (COM(2019)0640), and the EU's commitment to halt biodiversity loss and become a world leader in addressing the global biodiversity crisis in accordance with its Biodiversity Strategy to 2020 and Biodiversity Strategy for 2030,

— having regard to the obligations undertaken by the states parties pursuant to Article 2 of the 1992 UN Economic Commission for Europe Convention on the Protection and Use of Transboundary Watercourses and International Lakes and Article 4 of the 1999 Protocol on Water and Health thereto,

— having regard to the Commission's upcoming Interreg Baltic Sea Region Programme for 2021-2027,

— having regard to the 1992 Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area, the Baltic Sea Action Plan and the findings of the Baltic Marine Environment Protection Commission (HELCOM) on sea-dumped chemical munitions,

— having regard to the commitments of states under the UN Sustainable Development Goals, namely target 3.9 to reduce deaths and illnesses from hazardous chemicals and contamination, target 6.3 to improve water quality by eliminating dumping and minimising the release of hazardous chemicals, and targets 14.1 and 14.2 to prevent marine pollution and protect marine and coastal ecosystems,

— having regard to resolution 1612(2008) of the Parliamentary Assembly of the Council of Europe on chemical munitions buried in the Baltic Sea, and to the accompanying report of 28 April 2008,

— having regard to the deliberations on Petitions Nos 1328/2019 and 0406/2020 during the meeting of the Committee on Petitions held on 3 December 2020,

— having regard to Rule 227(2) of its Rules of Procedure,

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[1] OJ C 304, 6.10.1997, p. 147.
[2] OJ L 327, 22.12.2000, p. 1.
[3] OJ L 164, 25.6.2008, p. 19.

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A. whereas at least 50 000 tonnes of conventional and chemical weapons containing hazardous substances (such as mustard and tear gas and nerve and choking chemical agents) have been dumped into the Baltic Sea since the end of the Second World War;

B. whereas these munitions degrade slowly and leak toxic substances into the water, posing a danger to human health by contaminating food and causing severe burns and poisoning upon direct contact, damaging marine ecosystems and biodiversity, and jeopardising local economic activities such as fishing, the extraction of natural resources and the generation of renewable energy from power plants;

C. whereas owing to its geographical situation, the Baltic Sea is a semi-enclosed sea with a slow turnover of water and very low self-cleaning capacity; whereas it is considered one of the most polluted seas in the world, with oxygen levels falling in its deep waters, which is already putting marine life in danger;

D. whereas valuable research has been carried out by the ad hoc HELCOM Working Group on Dumped Chemical Munitions (CHEMU), the EU-funded project entitled 'Modelling of Ecological Risks related to Sea-Dumped Chemical Weapons' (MERCW), and the ad hoc HELCOM expert groups to Update and Review the Existing Information on Dumped Chemical Munitions in the Baltic Sea (MUNI) and on Environmental Risks of Hazardous Submerged Objects (SUBMERGED);

E. whereas the need for greater cooperation was expressed during the Colloquium on the Challenges of Unexploded Munitions in the Sea held in Brussels on 20 February 2019;

F. whereas the international community lacks reliable information about the volume, nature and locations of the disposed munitions owing to poor documentation of these activities and insufficient research on the seabed of the Baltic Sea;

G. whereas no consensus has been reached on the current state of the munitions, the exact danger they pose and the possible solutions to this problem;

H. whereas the Interreg Baltic Sea Region Programme provided funding for the 2011-2014 Chemical Munitions Search and Assessment (CHEMSEA), 2016-2019 Decision Aid for Marine Munitions (DAIMON) and 2019-2021 DAIMON 2 projects for a total of EUR 10,13 million (EUR 7,8 million of which — 77 % — came from the European Regional Development Fund); whereas these projects studied the dumping locations and the content and state of the munitions and how they react to Baltic conditions, and provided administrations with decision-making tools and training in technologies used for risk analysis, remediation methods and environmental impact assessment;

I. whereas the issue of conventional and chemical munitions dumped in the sea is being addressed by NATO, which has adequate tools, instruments and experience to resolve this problem successfully;

J. whereas the CHEMSEA project, which came to an end in 2014, concluded that while chemical munition dumping sites do not represent an immediate threat, they will continue to be a problem for the Baltic Sea;

K. whereas the high transport density and high rate of economic activity in the Baltic Sea Region render this not only an environmental issue, but also one with considerable economic implications, including for the fishing industry;

1. Underlines that the environmental and health dangers posed by the munitions disposed of in the Baltic Sea after the Second World War is not only a regional, European issue, but a serious global problem with unpredictable short- and long-term transboundary effects;

2. Urges the international community to embrace a spirit of cooperation and genuine solidarity to step up its monitoring of dumped munitions in order to minimise the possible risks for the marine environment and activities; urges all sides party to classified information about the dumping activities and their exact locations to declassify this information and to allow the countries affected, the Commission and the European Parliament to access it as a matter of urgency;

3. Calls on the Commission and the Joint Programming Committee of Interreg Baltic Sea Region to secure adequate financing for research and actions required to resolve the dangers posed by the munitions dumped in the Baltic Sea; welcomes the dedicated efforts and constructive research undertaken by HELCOM and within the frameworks of the CHEMSEA, DAIMON and DAIMON 2 projects financed by the Interreg Baltic Sea Region Programme;

4. Calls on all sides involved to comply with international environmental law and provide additional financial contributions to the Interreg Baltic Sea Region Programme for 2021-2027; welcomes the 2021-2027 transnational Interreg Baltic Sea Region Programme, which will fund measures to reduce the pollution of the Baltic Sea;

5. Stresses the necessity for regular monitoring of the state of corrosion of the munitions and an up-to-date environmental risk assessment on the impacts of the contaminants released on human health, marine ecosystems and the region's biodiversity;

6. Welcomes the efforts made at a national level, such as mapping the locations of the dumped munitions and monitoring and removing hazardous materials;

7. Emphasises the importance, in this connection, of interstate and interregional cooperation mechanisms, free access to public information, and the efficient exchange of scientific knowledge and research;

8. Calls on the Commission, for the purposes of its zero pollution ambition for a toxic-free environment, to establish an expert group with the Member States affected and other stakeholders and organisations, tasked with the following mandate: (i) studying and mapping the exact locations of contaminated areas; (ii) proposing suitable environmentally friendly and cost-effective solutions for monitoring and cleaning the pollution with the ultimate aim of removing or fully neutralising hazardous materials where extraction is impossible; (iii) developing reliable decision-making support tools; (iv) conducting an awareness-raising campaign to inform the groups affected (such as fishers, local residents, tourists and investors) of the potential health and economic risks; and (v) developing emergency response guidelines for environmental disasters;

9. Regrets the fact that none of the EUR 8,8 million allotted under the European Neighbourhood Instrument was used for the DAIMON or DAIMON 2 projects under the Interreg Baltic Sea Region Programme;

10. Calls on the Commission to engage all the relevant EU agencies and institutions, including the European Defence Agency, to utilise all the available resources and to make sure that the problem will be reflected in all the relevant EU policies and programming processes, including the Marine Strategy Framework Directive and the Maritime Security Strategy Action Plan;

11. Calls on the Commission to ensure that the issue of munitions dumped in European seas is included in the horizontal programmes in order to enable the submission of projects covering regions affected by the same problem (the Adriatic and Ionian Seas, North Sea and Baltic Sea) and facilitate the exchange of experience and best practices;

12. Asks the Commission to devote concerted efforts to tackling pollution in the Baltic Sea and to foster all types of regional, national and international cooperation to this end, including through its partnership with NATO;

13. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States and other states concerned.

Tuesday 27 April 2021

P9_TA(2021)0131

More efficient and cleaner maritime transport

European Parliament resolution of 27 April 2021 on technical and operational measures for more efficient and cleaner maritime transport (2019/2193(INI))

(2021/C 506/03)

The European Parliament,

— having regard to its resolution of 15 January 2020 on the European Green Deal [1],

— having regard to its position adopted at first reading on 16 September 2020 on the global ship fuel oil consumption data collection system [2],

— having regard to the Third International Maritime Organization Greenhouse Gas Study [3],

— having regard to the final report of the Fourth International Maritime Organization Greenhouse Gas Study [4],

— having regard to the Ministerial Declaration adopted in December 2019 by the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention),

— having regard to the Commission's Annual Report 2019 on CO_2 emissions from maritime transport,

— having regard to Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure [5],

— 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 Transport and Tourism (A9-0029/2021),

A. whereas maritime transport and ports play a key role in the EU economy, with almost 90 % of the EU's external freight trade being seaborne [6], and play an important role for tourism; whereas they are critical for ensuring uninterrupted supply chains, as demonstrated during the COVID-19 pandemic; whereas the EU maritime sector's total economic impact contributed EUR 149 billion to EU GDP in 2018 and supports more than 2 million jobs [7]; whereas in 2018 its direct economic impact accounted for 685 000 sea- and land-based jobs in the EU; whereas 40 % of the world fleet by gross tonnage is EU controlled;

B. whereas the maritime transport of goods and passengers is a key factor in the economic, social and territorial cohesion of the EU, especially as regards connectivity and accessibility with peripheral, island and outermost regions; whereas in this regard, the EU should invest in the maritime sector's competitiveness and its capacity to make the sustainable transition a reality;

C. whereas the EU maritime sector should also contribute to tackling biodiversity loss and environmental degradation, and contribute to the objectives of the European Green Deal and 2030 Biodiversity Strategy;

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(1) Texts adopted, P9_TA(2020)0005.
(2) Texts adopted, P9_TA(2020)0219.
(3) https://gmn.imo.org/wp-content/uploads/2017/05/GHG3-Executive-Summary-and-Report_web.pdf
(4) https://safety4sea.com/wp-content/uploads/2020/08/MEPC-75-7-15-Fourth-IMO-GHG-Study-2020-Final-report-Secretariat.pdf
(5) OJ L 307, 28.10.2014, p. 1.
(6) https://ec.europa.eu/transport/modes/maritime_en
(7) Oxford Economics (2020): The Economic Value of the EU Shipping Industry

D. whereas healthy oceans and the preservation and restoration of their ecosystems are essential for humankind as climate regulators, as producers of at least half the oxygen in the Earth's atmosphere, as hosts of biodiversity, as a source for global food security and human health, and as a source of economic activities, including fisheries, transport, trade, tourism, renewable energy and health products, which should be based on the principle of sustainability;

E. whereas the maritime sector is a sector which is regulated at both EU and international level and which is still very reliant on fossil fuels; whereas a system for monitoring, reporting and verifying CO_2 emissions from maritime transport is currently under revision, aiming at reducing shipping greenhouse gas (GHG) emissions in EU waters;

F. whereas the sector has been making constant efforts to meet the GHG reduction targets, by complying with the existing regulatory framework and implementing those technological developments made to date;

G. whereas adequate funding is therefore essential to achieve this necessary transition; whereas further research and innovation are crucial for deploying zero-carbon maritime transport;

H. whereas international maritime transport emits around 940 million tonnes of CO_2 annually and is responsible for approximately 2,5 % of global GHG emissions ([8]); whereas maritime transport also impacts the environment by contributing to climate change and through different sources of pollution, notably degassing, engines left running in ports, the discharge of ballast water, hydrocarbons, heavy metals and chemicals, and lost containers at sea, which in turn affect biodiversity and ecosystems; whereas the International Maritime Organization (IMO) regulations to reduce SO_x emissions from ships first came into force in 2005 under the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) and whereas the SO_x emission limits have since been progressively tightened, with the maximum permitted sulphur content currently standing at 0,5 % and in emission control areas at 0,1 %; whereas this decision should help to reduce emissions; whereas the IMO is set to agree on a global regulation on limiting 'black carbon emissions' in 2021; whereas maritime transport is the most energy-efficient mode of transport based on the amount of cargo transported and the respective emissions per tonne of goods transported and per kilometre travelled;

I. whereas if mitigation measures are not swiftly introduced, emissions from international maritime transport could increase from about 90 % of 2008 emissions in 2018 to 90-130 % of 2008 emissions by 2050 ([9]), and thereby not contribute sufficiently to the achievement of the objectives of the Paris Agreement;

J. whereas all emissions from the maritime sector which are harmful to air quality and citizens' health should be limited and addressed following an impact assessment of the relevant legislation;

K. whereas the EU should defend a high level of ambition for emission reductions in the maritime sector both at international and EU level;

L. whereas clean technologies and solutions should be adapted to the different types of vessels and naval segments; whereas research and investment and adequate support are fundamental to ensure innovative solutions and a sustainable transition of the maritime sector;

M. whereas public and private investments related to the decarbonisation of the maritime sector must comply with Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment ([10]) and the key principles of the just transition, including the creation of high-quality jobs, retraining and redeployment guarantees and structural health and safety measures for all workers, with a particular focus on opportunities for women and young workers in order to diversify the maritime sector workforce; whereas adequate training and decent working conditions of maritime personnel are fundamental, *inter alia* to prevent incidents, including environmental incidents;

([8]) Third IMO GHG Study.
([9]) Fourth IMO GHG Study.
([10]) OJ L 198, 22.6.2020, p. 13.

N. whereas the Commission is currently working on an impact assessment on integrating the maritime transport into the EU Emissions Trading System (ETS);

O. whereas a climate-neutral transition of the maritime transport sector by 2050 is needed in order to achieve the goals of the Green Deal;

Clean energy incentive schemes

1. Deplores the distortion of competition on the European market between fossil fuels, which benefit from more favourable tax treatment, and clean alternative fuels from renewable sources; calls on the Commission to address this situation by proposing to restore fair competition rules, applying the polluter-pays principle to maritime transport and promoting and further incentivising, including through tax exemptions, the use of alternatives to heavy fuels that are considerably reducing the impact on climate and the environment in the maritime sector;

2. Acknowledges the impact of the use of heavy fuel oil; stresses the need to effectively address fuel emissions by ships and gradually phase out the use of heavy fuel oil in shipping, not only as a fuel itself but also as a blending substance for marine fuels; notes the need for technological neutrality as long as it is consistent with EU environmental targets; notes that maritime transport is affected by the lack of adequate end-of waste criteria harmonised at EU level; highlights the need to prevent carbon leakage and preserve the competitiveness of the European maritime transport sector;

3. Recalls that the maritime sector should contribute to the Union's efforts on reducing GHG emissions, while ensuring the sector's competitiveness; stresses the need to make use and invest in all readily deployable options in reducing maritime emissions, including transitional technologies as alternatives to heavy fuel oil, in parallel to finding and financing long-term zero-emission alternatives; recognises the importance of transitional technologies, such as LNG and LNG infrastructure, for a gradual transition towards zero-emission alternatives in the maritime sector;

4. Recalls the EU commitment to achieving climate neutrality by 2050 at the latest, in line with the Paris Agreement; highlights in this regard, the leading role of the EU and the need to negotiate the reduction of greenhouse gas emissions of the maritime transport sector also at international level within the IMO framework, given the international and competitive dimension of the maritime transport sector; reiterates Parliament's previous positions on the inclusion of the maritime sector in the EU ETS ([11]), including on the update of the impact assessment ([12]);

5. Calls on the Commission and the Member States, taking into account the IMO's initial strategy on the reduction of greenhouse gas emissions from ships adopted in 2018 and its forthcoming revision, to use their weight in the IMO to ensure that it adopts concrete measures in order to lay an ambitious and realistic path towards zero-emission shipping that is consistent with the temperature goal of the Paris Agreement, thereby contributing to the international level playing field;

6. Calls on the Commission to address under the FuelEU Maritime initiative not only the carbon intensity of fuels but also the technical and operational measures which would improve the efficiency of ships and their operations; recalls that, in the context of the revision of Regulation (EU) 2015/757 ([13]), Parliament called on shipping companies to achieve a 40 % reduction in emissions by 2030 as an average across all ships under their responsibility, compared to the average performance per category of ships of the same size and type; adds that the initiative should also include a life-cycle approach incorporating all GHG emissions; stresses that alternative fuels that do not meet the REDII - 70 % threshold on a life-cycle basis should not be allowed for regulatory compliance;

([11]) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

([12]) Texts adopted, P9_TA(2020)0219.

([13]) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

Ports and freight

7. Recalls the need to encourage cooperation between all stakeholders and exchange of best practices between ports, the shipping sector and fuel and energy suppliers in order to develop an overall policy framework for the decarbonisation of ports and coastal areas; urges the port authorities to put in place sustainable management methods and to certify them using methodologies that incorporate a Life-Cycle Assessment of the port services, such as that offered by the Environmental Product Declaration;

8. Stresses that overseas territories, including outermost regions and overseas countries and territories, and the ports located therein, are of paramount importance to European sovereignty and to European and international maritime trade given their strategic location; highlights that investment drivers for these ports are very diverse, ranging from supporting their classic role in the reception of ships (loading, unloading, storage and transport of goods) to ensuring multimodal connections, constructing energy-related infrastructure, building resilience to climate change and the overall greening and digitalisation of vessels; calls for further investments in ports located in overseas territories to turn them into strategic clusters for multimodal transport, energy generation, storage and distribution, as well as tourism;

9. Notes the cross-border dimension of maritime ports; stresses the role of ports as clusters of all modes of transport, energy, industry and the blue economy; recognises the increased development of port cooperation and clustering;

10. Notes the positive role of the European maritime cluster and the positive developments internationally to support innovation and reduce shipping emissions, and calls on the Commission and the Member States to support initiatives contributing to these positive developments;

11. Calls on the Commission to support, through legislation, the objective of zero pollution (GHG emissions and air pollutants) at berth, and to promote the development and deployment of clean multimodal solutions in ports supported through a corridor approach; calls on the Commission, in particular, to take swift action to regulate EU port access for the most polluting ships based on the Port State Control Directive ([14]) framework, and to incentivise and support the use of on-shore power supply using clean electricity or any other energy-saving technologies that have a considerable effect on diminishing GHG emissions and air pollutants; regrets that the revision of Directive 2014/94/EU has been postponed; urges the Commission to propose a revision of Directive 2014/94/EU as soon as possible in order to include incentives for both Member States and ports to scale-up the deployment of the necessary infrastructure; calls on the Commission also to propose a revision of Directive 2003/96/EC ([15]);

12. Calls on the Commission to draw up a strategy on zero-emission ports and support bottom up initiatives, including measures to promote the development of port industries specialising in the circular economy, which would, in particular, ensure better use of ships' waste that is recovered and treated in ports;

13. Calls on the Commission to promote a modal shift towards short-sea shipping in the Green Deal, on the same basis as rail and inland waterways, as a sustainable alternative to goods and passenger transport by road and air; underlines the important role of short-sea shipping in achieving modal shift objectives to reduce transport-related congestion and emissions and as a stepping stone towards a zero-emission mode of transport; highlights the importance of launching to this end an EU fleet renewal and retrofit strategy to promote its green and digital transition and foster the competitiveness of the European maritime technology sector; recalls, to this end, the need for an infrastructure network that can support this intermodal capacity, which means fulfilling the investment commitments for the TEN-T network under the Connecting Europe Facility (CEF);

14. Highlights that boosting seamless multimodal transport links between ports and the TEN-T network, as well as improving interoperability between the various modes of transport, would eliminate bottlenecks and reduce congestion; underlines the importance of maritime and inland ports as strategic and multimodal nodes of the TEN-T network;

([14]) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

([15]) Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51).

15. Calls also for a clear strategy to promote Roll-On-Roll-Off (RO-RO) shipping for freight, thereby reducing the presence of heavy-duty vehicles from roads; encourages the Commission to take more concrete steps to combine its maritime policy with the aim of avoiding long and environmentally harmful road distribution transport across the continent, by encouraging deliveries closer to end-destination markets via smaller ports;

16. Calls on the Commission to restore meaning to the concept of Motorways of the Sea, as an integrated part of the TEN-T network, as it is instrumental in facilitating short-sea links and services as sustainable alternatives to land transport, and to facilitate cooperation among maritime ports and the connection to their hinterland by simplifying access criteria, in particular for links between ports outside the core network, by providing significant financial support for maritime links as an alternative to land transport and by ensuring their connection to railway networks;

17. Believes that a sustainable European maritime sector and a future-proof infrastructure, including the TEN-T network and its future extension, are crucial to achieving a climate-neutral economy; stresses that the percentage increase in waterborne freight transport as envisaged in the European Green Deal needs a concrete EU investment plan and concrete measures at EU level;

Emission control areas and the IMO

18. Stresses the urgent health and environmental need to establish a sulphur emission control area (SECA) covering all Mediterranean countries; calls on the Commission and the Member States to give active support to the submission of such an area to the IMO before 2022; urges the Member States also to support the principle of swiftly adopting a nitrogen emission control area (NECA) aimed at reducing nitrogen emissions in the Mediterranean;

19. Calls on the Commission to provide for the extension of these emission control areas to all EU seas in order to achieve a uniform reduction in the permitted NO_x and SO_x emission levels from ships; stresses that the cumulative reduction in sulphur oxide and nitrogen oxide emissions has a direct impact on the reduction of fine particles (PM10 and PM2.5);

20. Stresses that the EU should lead by example by adopting ambitious legal requirements for clean maritime transport, while supporting and pushing for measures that are at least equally as ambitious in international forums such as the IMO, enabling the maritime transport sector to phase out its GHG emissions globally and in line with the Paris Agreement;

Ships and propulsion

21. Calls on the Commission, shipowners and ship-operators to ensure the implementation of all available operational and technical measures to achieve energy efficiency, in particular speed optimisation, including slow steaming where appropriate, innovation in hydrodynamics optimisation of navigable routes, the introduction of new propulsion methods, such as wind-assist technologies, vessel optimisation and better optimisation within the maritime logistics chain;

22. Notes that, in the maritime sector, the shipowner is not always the same as the person or entity commercially operating the ship; considers, therefore, that the polluter-pays principle should apply to, and hold responsible, the party responsible for the commercial operation of the ship, i.e. the commercial entity that pays for the fuel that the ship consumes, such as the shipowner, the manager, the time charterer or the bareboat charterer;

23. Notes that the digitalisation and automation of the maritime sector, ports and ships have significant potential to contribute to a reduction in the sector's emissions, and play a key role in the decarbonisation of the sector in line with the ambitions of the Green Deal, in particular through increased exchanges of up-to-date and verified data that can be used to carry out technical operations and maintenance, for example to predict the most fuel-efficient way to operate a ship on a specific route, and for port call optimisation, which contributes to reducing waiting times for vessels in ports and therefore emissions; stresses the need to use digitalisation as a means to enhance cooperation between stakeholders in the sector, thereby making ships more energy efficient in order to enable them to meet emission control standards, and to facilitate the management of environmental risks; calls for action and investment in digitalisation, research, and innovation, in particular for the development and harmonised cross-border deployment of Vessel Traffic Monitoring and Information Systems (VTMIS); notes that the spread of digitalisation and automation in the shipping industry will bring about a change in individual job specifications and requisite skills; points out that these different skills and areas of knowledge, especially with regard to information technology, will be required of seafarers to ensure ship safety and operational efficiency;

24. Welcomes the new sulphur content limit in fuels of 0,5 % introduced by the IMO on 1 January 2020, and stresses that it should not lead to a shift in pollution from air to water; calls, therefore, on the Commission, and the Member States, in line with Directive (EU) 2019/883 ([16]), to work at IMO level towards a comprehensive consideration of the environmental impacts on discharges into the sea of waste water from open-loop scrubbers and other cargo residues and to ensure that they are properly collected and processed in port reception facilities; in this regard, strongly encourages Member States to set up discharge bans for wastewater from open-loop scrubbers and certain cargo residues in their territorial waters in accordance with Directive 2000/60/EC ([17]); stresses that sustainable solutions should be favoured from the outset, on the basis of life-cycle analysis; notes that the purpose of open-loop scrubbers is to address air pollution and that investments in them have been made; points out that the use of open-loop scrubbers has an impact on the environment and welcomes the fact that the IMO is studying their long-term impact; calls on the Commission, in this regard, to implement on the basis of an impact assessment a gradual phase-out of the use of open-loop scrubbers in order to comply with emission limits, in line with the IMO framework and the MARPOL Convention;

25. Calls on the Commission to integrate alternative propulsion systems, including wind and solar, into the upcoming FuelEU Maritime initiative; calls on it to assess the current initiatives and projects concerning sail freight transport and to ensure that propulsion systems for transport are eligible for European funding;

26. Calls on the Commission to introduce measures, accompanied with the necessary funding, to enable European shipyards to make additional investments into sustainable, social and digitalised shipbuilding and the ship repair industry, which is of strategic importance to generate jobs, thereby supporting the transition to a circular economy model that takes into account the entire life-cycle of ships; stresses the importance of supporting and developing sustainable solutions for building and dismantling vessels within the EU in line with the New Circular Economy Action Plan; stresses in this light that shipyards should exercise due diligence in their value chains inside and outside the EU, in line with OECD and UN standards, so that adverse environmental impacts when dismantling vessels can be avoided;

EU funding

27. Calls on the Commission to provide support under its European funding programmes, in particular the Horizon Europe and InvestEU programmes, for research into and deployment of clean technologies and fuels; highlights the potential of electricity from additional renewable sources, including green hydrogen, ammonia and wind propulsion; in this regard, stresses the financial implications of the transition to clean alternative fuels, both for the shipping industry, the land-based-fuel supply chain and ports; considers that ports are natural hubs for the production, storage, distribution and transport of clean alternative fuels; calls for the Horizon Europe programme to renew the calls for 'Green Deal' projects, launched by the Commission under Horizon 2020, in particular in order to green the maritime sector and to support research and innovation and the deployment of alternatives to heavy fuels that are considerably reducing the impact on climate and the environment in the maritime sector;

28. Calls on the Commission to make projects aimed at decarbonising maritime transport and reducing polluting emissions, including the necessary port infrastructure and facilities, eligible under the cohesion policy and through the European Structural and Investment Funds, the CEF and the Green Deal and to make funds and incentives available to support the maritime sector in the transition towards a zero-carbon economy, taking into account the social dimension of the transformation; stresses the importance of creating synergies and complementarities between different EU funding solutions, without creating an unnecessary administrative burden, which would discourage private investments and therefore slow down the technological progress and thus the improvement of cost-efficiency; calls on the Commission to promote and invest in a green European maritime industry on EU territory as part of its European industrial recovery plan, taking the lead in the development of new eco-designed ships, the renovation and modernisation of existing vessels, and dismantlement;

([16]) Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).

([17]) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

29. Considers that any realistic transition process towards the goal of zero emissions must be based on the involvement and participation of the stakeholders in the sector as well as EU support in the form of an adequate budget together with dialogue, flexibility and diligence in promoting the necessary regulatory reforms; notes that these conditions are essential to encourage strategic cooperation focusing on sustainability through instruments such as the co-programmed partnership on 'zero-emission maritime transport';

30. Recalls that the objectives of decarbonisation and modal shift should be supported by the CEF, which should benefit from increased budgetary resources;

31. Regrets, in this regard, the Council decision to reduce the budget allocation for future-oriented programmes, such as the CEF, InvestEU and Horizon Europe; notes that the EU's ambitious decarbonisation agenda needs to be backed by corresponding funding and financing instruments;

32. Recalls that the European Investment Bank (EIB) provides support for attractive capital loans; considers, however, that the threshold for financing small-scale projects should be lowered; points out, in this regard, that the Green Shipping Guarantee (GSG) programme aimed at accelerating the implementation of investments in greener technologies by European shipping companies, should also provide support for smaller transactions, including more flexible loan conditions; furthermore, considers that the EIB should provide both pre-delivery and post-delivery financing for shipbuilders, which would considerably enhance the implementation and the viability of projects;

33. Highlights that the shift towards decarbonisation and the impulse of clean energy incentive schemes in the maritime transport sector would entail the need of re-skilling and training of workers; recalls that EU and Member State financing would have to be foreseen for this matter; encourages the Commission to establish an EU network to exchange good practices on how to adapt the workforce to the new needs of the sector;

34. Supports the Commission's review of State aid guidelines in all relevant sectors, including transport and in particular maritime, in order to achieve the objectives of the European Green Deal by applying the 'just transition' principle and by allowing national governments to directly support investments in decarbonisation and clean energy; calls on the Commission to examine whether the current tax exemptions allow unfair cross-sector competition conditions; urges the Commission to provide clarity on State aid for sustainable shipping projects;

35. Points out the economic consequences of the COVID-19 pandemic for the waterborne sector, especially collective passenger transport; calls on the Member States to include the waterborne sector as a priority in their national recovery plans, so as to ensure that it can have comprehensive access to the resources allocated under the Recovery and Resilience Facility; asks the Commission, moreover, to map smart investment initiatives for the sustainable and resilient recovery of the sector;

Control and implementation

36. Calls on the Commission to ensure the transparency and availability of information on the environmental impact and energy performance of ships and to assess the establishment of a European label scheme, in line with actions taken at IMO level, which should aim to effectively reduce emissions and assist the sector by providing improved access to funding, loans and guarantees based on its emission performance and improving emissions monitoring, create benefits by incentivising port authorities to differentiate port infrastructure charges, and raise the sector's attractiveness; moreover stresses the need to further promote, develop and implement the 'green ship' scheme, which should take into account emission reduction, waste treatment and environmental impact, notably through the sharing of experience and expertise;

37. Calls on the Commission to propose a revision of the Port State Control Directive by the end of 2021 at the latest, as provided for in the Commission's working programme for 2021, to allow for more effective and comprehensive control of ships and simplified procedures, including incentives for compliance with environmental, social, public health and labour law standards, safety on board of ships calling at EU ports for both seafarers and dock workers, and the possibilities for effective proportionate and dissuasive sanctions, taking into account environmental, public health, tax and social law;

38. Calls on the Commission to increase, in coordination with the ILO, capacity-building for third countries on inspections and enforcement and to launch campaigns with the social partners to increase awareness of rights and obligations under the Maritime Labour Convention; calls on the Commission to promote the creation by the ILO of a database containing inspection findings and seafarers' complaints to help seafarers and shipowners engage with the most reputable MLC-compliant recruitment and placement services;

39. Highlights the potential of the European Maritime Safety Agency (EMSA), with its Safe Sea Net satellite system, in monitoring oil pollution and illegal discharges of fuel residues at sea and implementing Regulation (EU) 2015/757; emphasises that regional cooperation, including with third countries, is essential in this area, especially in the Mediterranean Sea; calls on the Commission, therefore, to reinforce the exchange of information and cooperation among countries;

40. Stresses that the partnership envisaged in the context of the United Kingdom's withdrawal from the EU should ensure an appropriate level playing field in environmental and social areas without causing disruptions to the transport trade links, including efficient customs checks, which should not hamper the competitiveness of the EU fleet and should ensure smooth export and import operations between UK and EU ports;

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

Tuesday 27 April 2021

P9_TA(2021)0132

Objection to an implementing act: Maximum residue levels for certain substances, including lufenuron

European Parliament resolution of 27 April 2021 on the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aclonifen, acrinathrin, *Bacillus pumilus* QST 2808, chlorantraniliprole, ethirimol, lufenuron, penthiopyrad, picloram and *Pseudomonas sp.* strain DSMZ 13134 in or on certain products (D070113/03 — 2021/2590(RPS))

(2021/C 506/04)

The European Parliament,

— having regard to the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aclonifen, acrinathrin, *Bacillus pumilus* QST 2808, chlorantraniliprole, ethirimol, lufenuron, penthiopyrad, picloram and *Pseudomonas sp*. strain DSMZ 13134 in or on certain products (D070113/03,

— having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ([1]), and in particular Article 5(1) and Article 14(1)(a) thereof,

— having regard to the opinion delivered on 4 December 2020 by the Standing Committee on Plants, Animals, Food and Feed,

— having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ([2]),

— having regard to the reasoned opinion adopted by the European Food Safety Authority (EFSA) on 15 July 2020, and published on 18 August 2020 ([3]),

— having regard to the reasoned opinion adopted by EFSA on 18 November 2016, and published on 5 January 2017 ([4]),

— having regard to the scientific report approved by EFSA on 30 September 2008, and published on 22 June 2009 ([5]),

— having regard to Article 5a(3)(b) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([6]),

— having regard to Rule 112(2) and (3), and (4)(c) of its Rules of Procedure,

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

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([1]) OJ L 70, 16.3.2005, p. 1.
([2]) OJ L 309, 24.11.2009, p. 71.
([3]) EFSA reasoned opinion on the setting of import tolerances for lufenuron in various commodities of plant and animal origin, EFSA Journal 2020; 18(8):6228, https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2020.6228
([4]) EFSA reasoned opinion on the review of existing maximum residue levels for lufenuron according to Article 12 of Regulation (EC) No 396/2005, EFSA Journal 2017; 15(1):4652, https://doi.org/10.2903/j.efsa.2016.4652
([5]) EFSA scientific report on the conclusion regarding the peer review of the pesticide risk assessment of the active substance lufenuron, EFSA Journal 2009; 7(6):189, https://doi.org/10.2903/j.efsa.2009.189r.
([6]) OJ L 184, 17.7.1999, p. 23.

A. whereas lufenuron is a benzoylurea pesticide that inhibits the production of chitin in insects, and is used as a pesticide and fungicide; whereas the Union approval of lufenuron expired on 31 December 2019 and no application for renewal was submitted in the framework of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ([7]); whereas lufenuron is no longer approved for use in the Union, but is exported as an agri-food pesticide; whereas according to a study of the German Environment Agency ([8]), lufenuron meets the criteria for substances that are persistent, bioaccumulative and toxic, which are laid down in Annex XIII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([9]);

B. whereas Article 191(2) of the Treaty on the Functioning of the European Union (TFEU) sets out the precautionary principle as one of the fundamental principles of the Union;

C. whereas Article 168(1) TFEU states that '[a] high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities';

D. whereas Directive 2009/128/EC aims to achieve a sustainable use of pesticides in the Union by reducing the risks and impacts of pesticide use on human and animal health and the environment by promoting alternative approaches;

E. whereas the United Nations Stockholm Convention on Persistent Organic Pollutants and the meeting of the Persistent Organic Pollutants Review Committee 2012 ([10]) identified the high potential of lufenuron to meet all persistent organic pollutants criteria;

F. whereas the communication of the Commission of 20 May 2020 entitled 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system' ([11]) promotes a 'global transition to sustainable agri-food systems' not only within the Union's borders but also outside, and aims to 'take into account environmental aspects when assessing requests for import tolerances for pesticide substances no longer approved in the EU while respecting WTO standards and obligations';

G. whereas the draft Commission regulation has been proposed following an application submitted for import tolerances for lufenuron used in Brazil on grapefruits and sugar canes, which states that higher maximum residue levels (MRLs) are necessary to avoid non-tariff trade barriers for the importation of those crops;

H. whereas the draft Commission regulation gives rise to concerns regarding the safety of lufenuron on the basis of the precautionary principle, given the data gaps related to the effect of lufenuron on public health and the environment;

I. whereas, in its opinion of 15 July 2020, EFSA notes: 'In accordance with Article 6 of Regulation (EC) No 396/2005, Syngenta Crop Protection AG submitted an application to the competent national authority in Portugal (evaluating Member State, EMS) to set import tolerances for the active substance lufenuron in various crops and products of animal origin on the basis of authorised uses of lufenuron in Brazil, Chile and Morocco. The EMS drafted an evaluation report in accordance with Article 8 of Regulation (EC) No 396/2005, which was submitted to the European Commission and forwarded to the European Food Safety Authority (EFSA) on 24 May 2019'; whereas the EMS proposed to raise MRLs

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

([8]) Altenburger, R., Gündel, U., Rotter, S., Vogs, C., Faust, M., Backhaus, T., 'Establishment of a concept for comparative risk assessment of plant protection products with special focus on the risks to the environment', Text 47/2017, Report No. (UBA-FB) 002256/ENG, https://www.umweltbundesamt.de/sites/default/files/medien/1410/publikationen/2017-06-07_texte_47-2017_umweltrisiken-pflanzenschutzmittel.pdf

([9]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

([10]) UNEP/POPS/POPRC.8/INF/29.

([11]) COM(2020)0381.

for lufenuron in grapefruits (x30) and sugar canes (x2) from Brazil, and also to raise MRLs for lufenuron in commodities of animal origin;

J. whereas the conclusions drawn by EFSA in its opinion of 15 July 2020 justify the increase of the MRLs for lufenuron only on the basis of the need to comply with normative values in Brazil, and omit any consideration concerning the long term cumulative effect of lufenuron on reproductive toxicity, developmental neurotoxicity and its immunotoxic potential following prolonged ingestion;

1. Opposes adoption of the draft Commission regulation;

2. Considers that the draft Commission regulation is not compatible with the aim and content of Regulation (EC) No 396/2005;

3. Considers that the draft Commission regulation exceeds the implementing powers provided for in Regulation (EC) No 396/2005; notes that recital 5 of that Regulation states that MRLs should be set at the lowest achievable level with a view to protecting vulnerable groups such as children and unborn children;

4. Notes that, under the draft Commission regulation, the existing MRLs of lufenuron would increase from 0,01 mg/kg to 0,30 mg/kg for grapefruits and from 0,01 mg/kg to 0,02 mg/kg for sugar canes;

5. Notes that a recent scientific report concluded that lufenuron can induce teratogenic effects and histopathologic changes to the liver and kidney in rats, which suggests that pregnant women and their unborn children could be at risk ([12]);

6. Notes that exposure to insecticides induces biochemical alterations, including oxidative stress, and that maternal environmental exposure to chemical pollutants was recently ranked as the second most important cause of infant mortality in developing countries ([13]);

7. Reiterates that the trans-generational effects of pesticide exposure are insufficiently studied and that the effects of pesticide exposure in humans in the gestational period are seldom studied; underlines that there is increasing evidence concerning the role of repeated exposures during early life;

8. Suggests that the MRLs for lufenuron should remain at the lowest level of determination;

9. Considers that the decision to increase the MRLs for lufenuron cannot be justified, as there is insufficient evidence to suggest that the risk to pregnant women and their unborn children and to food safety is acceptable;

10. Calls on the Commission to withdraw the draft regulation and submit a new one to the committee, respecting the precautionary principle;

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

([12]) Basal, W.T., Rahman T. Ahmed, A., Mahmoud, A.A., Omar, A.R., 'Lufenuron induces reproductive toxicity and genotoxic effects in pregnant albino rats and their fetuses', Scientific reports, 2020: 10:19544, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7658361/

([13]) Cremonese, C., Freire, C., Machado De Camargo, A., Silva De Lima, J., Koifman, S., Meyer, A., 'Pesticide consumption, central nervous system and cardiovascular congenital malformations in the South and Southeast region of Brazil', International Journal of Occupational Medicine and Environmental Health. 2014; 27(3), p. 474-86, https://pubmed.ncbi.nlm.nih.gov/24847732/

Tuesday 27 April 2021

P9_TA(2021)0133

Objection to an implementing act: Maximum residue levels for certain substances, including flonicamid

European Parliament resolution of 27 April 2021 on the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, acibenzolar-S-methyl, *Bacillus subtilis* strain IAB/BS03, emamectin, flonicamid, flutolanil, fosetyl, imazamox and oxathiapiprolin in or on certain products (D063854/04 — 2021/2608(RPS))

(2021/C 506/05)

The European Parliament,

— having regard to the draft Commission regulation amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, acibenzolar-S-methyl, *Bacillus subtilis* strain IAB/BS03, emamectin, flonicamid, flutolanil, fosetyl, imazamox and oxathiapiprolin in or on certain products (D063854/04,

— having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ([1]), and in particular Article 5(1) and Article 14(1)(a) thereof,

— having regard to the opinion delivered on 18 February 2020 by the Standing Committee on Plants, Animals, Food and Feed,

— having regard to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides ([2]),

— having regard to the reasoned opinion adopted by the European Food Safety Authority (EFSA) on 27 May 2019, and published on 2 August 2019 ([3]),

— having regard to the reasoned opinion adopted by EFSA on 17 August 2018, and published on 25 September 2018 ([4]),

— having regard to the reasoned opinion adopted by EFSA on 29 August 2018, and published on 18 September 2018 ([5]),

— having regard to the conclusion adopted by EFSA on 18 December 2009, and published on 7 May 2010 ([6]),

— having regard to the opinion of 5 June 2013 ([7]) of the Committee for Risk Assessment of the European Chemicals Agency,

([1]) OJ L 70, 16.3.2005, p. 1.
([2]) OJ L 309, 24.11.2009, p. 71.
([3]) EFSA reasoned opinion on modification of the existing maximum residue levels for flonicamid in strawberries and other berries, EFSA Journal 2019; 17(7):5745, https://www.efsa.europa.eu/en/efsajournal/pub/5745
([4]) EFSA reasoned opinion on modification of the existing maximum residue level for flonicamid in various crops, EFSA Journal 2018; 16(9):5410, https://www.efsa.europa.eu/en/efsajournal/pub/5410
([5]) EFSA reasoned opinion on modification of the existing maximum residue levels for flonicamid in various root crops, EFSA Journal 2018; 16(9):5414, https://www.efsa.europa.eu/en/efsajournal/pub/5414
([6]) EFSA conclusion on the peer review of the pesticide risk assessment of the active substance flonicamid, EFSA Journal 2010; 8(5):1445, https://www.efsa.europa.eu/en/efsajournal/pub/1445
([7]) Opinion of 5 June 2013 of the Committee for Risk Assessment proposing harmonised classification and labelling at EU level of flonicamid, https://echa.europa.eu/documents/10162/0916c5b3-fa52-9cdf-4603-2cc40356ed95

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— having regard to Article 5a(3)(b) and Article 5a(5) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([8]),

— having regard to Rule 112(2) and (3), and (4)(c) of its Rules of Procedure,

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

A. whereas the communication of the Commission of 20 May 2020 entitled 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system' ([9]) promotes a 'global transition to sustainable agri-food systems, in line with the objectives of this strategy and the SDGs';

B. whereas flonicamid is a selective, systemic insecticide that acts by disrupting insect feeding, movement, and other behaviours, resulting in starvation and dehydration followed by death ([10]);

C. whereas the approval period of flonicamid as an active substance has been extended by Commission Implementing Regulation (EU) 2017/2069 ([11]);

D. whereas the Committee for Risk Assessment of the European Chemicals Agency, in its opinion of 5 June 2013 ([12]), reports about results of rat experiments leading to increased placental weight, delayed vaginal opening, reduced uterus and ovary weights, decreased estradiol and increased LH levels, but finds them to be not related or not relevant; whereas the Danish Member State Competent Authority observes 'clear effects on visceral malformations occurring at non-maternally toxic levels in the rabbit' ([13]);

E. whereas the Interim Registration Review Decision (Case Number 7436) of 14 December 2020 of the United States Environmental Protection Agency (EPA) on flonicamid finds that '[a] more complete assessment of risk to bees cannot be conducted without higher-tiered pollinator data', that '[t]he available Tier I acute oral toxicity study was not adequate for quantitative use, and Tier II and Tier III pollinator studies are not available for flonicamid at this time' and that '[t]he adult acute oral honeybee toxicity test and the Tier II and III honeybee data (i.e., semi-field/field studies) requirements remain unfulfilled' ([14]);

F. whereas the Attorney General of California, Xavier Becerra, criticises, in his comments of 2 November 2020 ([15]) to the proposed Interim Registration Review Decision, that EPA lacks sufficient information to characterise flonicamid's risks to pollinators;

G. whereas the Attorney General further explains, referring to the EPA ecological risk assessment, that a new chronic adult honeybee study included an extended observation period designed to capture flonicamid's delayed toxicity, since effects are often not observed until many days later, after insects have starved; whereas the new study found that flonicamid is extremely toxic to adult bees; whereas, based on these results, EPA determined that the registered uses of flonicamid would expose bees to 17 to 51 times the amount of flonicamid that would cause substantial harm; whereas, during the extended observation period, mortality continued to increase at all test concentrations in a dose dependent manner; whereas mortality did not stabilise by the end of the extended observation period in the flonicamid arms of the study;

([8]) OJ L 184, 17.7.1999, p. 23.
([9]) COM(2020)0381.
([10]) https://www.regulations.gov/document/EPA-HQ-OPP-2014-0777-0041
([11]) Commission Implementing Regulation (EU) 2017/2069 of 13 November 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances flonicamid (IKI-220), metalaxyl, penoxsulam and proquinazid (OJ L 295, 14.11.2017, p. 51).
([12]) Opinion of 5 June 2013 of the Committee for Risk Assessment proposing harmonised classification and labelling at EU level of flonicamid, https://echa.europa.eu/documents/10162/0916c5b3-fa52-9cdf-4603-2cc40356ed95
([13]) Annex 2 to opinion of 5 June 2013 of the Committee for Risk Assessment proposing harmonised classification and labelling at EU level of flonicamid, https://echa.europa.eu/documents/10162/1e59e8be-0905-5fc1-8e76-a35628fa5833
([14]) Docket Number EPA-HQ-OPP-2014-0777, https://www.regulations.gov/document/EPA-HQ-OPP-2014-0777-0041, p. 13 and p. 18.
([15]) https://oag.ca.gov/sites/default/files/FINAL%20Flonicamid%20PID%20Comment%Letter.pdf

H. whereas Article 191(2) of the Treaty on the Functioning of the European Union (TFEU) sets out the precautionary principle as one of the fundamental principles of the Union;

I. whereas Article 168(1) TFEU states that '[a] high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities';

J. whereas Directive 2009/128/EC aims to achieve a sustainable use of pesticides in the Union by reducing the risks and impacts of pesticide use on human and animal health and the environment and by promoting the use of integrated pest management and of alternative approaches or techniques, such as non-chemical alternatives to pesticides;

K. whereas when setting maximum residue levels (MRLs), cumulative and synergistic effects need to be taken into account, and it is of the utmost importance to develop urgently appropriate methods for this assessment;

L. whereas, under the draft Commission regulation, the MRLs for flonicamid would increase from 0,03 mg/kg, which corresponds to the current limit of detection, to 0,7 mg/kg for strawberries, to 1 mg/kg for blackberries and raspberries, to 0,7 mg/kg for rose hips, mulberries, azaroles/Mediterranean medlars, elderberries, and other small fruits and berries, to 0,8 mg/kg for blueberries, cranberries, currants, gooseberries, to 0,3 mg/kg for other root and tuber vegetables generally, but to 0,6 mg/kg for radishes, to 0,07 mg/kg for lettuces and salad plants, and to 0,8 mg/kg for pulses;

1. Opposes adoption of the draft Commission regulation;

2. Considers that the draft Commission regulation is not compatible with the aim and content of Regulation (EC) No 396/2005;

3. Acknowledges that EFSA is working on methods to assess cumulative risks, but also notes that the problem of the assessment of cumulative effects of pesticides and residues has been known for decades; therefore requests EFSA and the Commission to address the problem as a matter of absolute urgency;

4. Suggests that the MRLs for flonicamid should remain at 0,03 mg/kg;

5. Calls on the Commission to withdraw the draft regulation and submit a new one to the committee;

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

Wednesday 28 April 2021

P9_TA(2021)0141

The outcome of EU-UK negotiations

European Parliament resolution of 28 April 2021 on the outcome of EU-UK negotiations (2021/2658(RSP))

(2021/C 506/06)

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 draft Council decision (05022/2021),

— having regard to the Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information ([1]),

— having regard to the request for consent submitted by the Council in accordance with Articles 217 and 218(6), second subparagraph and Article 218(8), second subparagraph of the Treaty on the Functioning of the European Union (C9-0086/2021),

— having regard to its resolutions of 5 April 2017 on negotiations with the United Kingdom following its notification that it intends to withdraw from the European Union ([2]), of 3 October 2017 on the state of play of negotiations with the United Kingdom ([3]), of 13 December 2017 on the state of play of negotiations with the United Kingdom ([4]), of 14 March 2018 on the framework of the future EU-UK relationship ([5]), of 18 September 2019 on the state of play of the UK's withdrawal from the European Union ([6]), of 15 January 2020 on implementing and monitoring the provisions on citizens' rights in the Withdrawal Agreement ([7]), of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland ([8]), and of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland ([9]),

— having regard to its legislative resolution of 29 January 2020 on the draft Council decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ([10]),

— having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community ([11]) (the 'Withdrawal Agreement'), and to the political declaration setting out the framework for the future relationship between the European Union and the United Kingdom ([12]), that accompanies the Withdrawal Agreement, (the 'Political Declaration'),

— having regard to the contributions from the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Budgets, Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on the

([1]) OJ L 444, 31.12.2020, p. 2.
([2]) OJ C 298, 23.8.2018, p. 24.
([3]) OJ C 346, 27.9.2018, p. 2.
([4]) OJ C 369, 11.10.2018, p. 32.
([5]) OJ C 162, 10.5.2019, p. 40.
([6]) Texts adopted, P9_TA(2019)0016.
([7]) Texts adopted, P9_TA(2020)0006.
([8]) Texts adopted, P9_TA(2020)0033.
([9]) Texts adopted, P9_TA(2020)0152.
([10]) Texts adopted, P9_TA(2020)0018.
([11]) OJ L 29, 31.1.2020, p. 7.
([12]) OJ C 34, 31.1.2020, p. 1.

Internal Market and Consumer Protection, the Committee on Transport and Tourism, the Committee on Agriculture and Rural Development, the Committee on Fisheries, the Committee on Culture and Education, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs, and the Committee on Constitutional Affairs,

— having regard to the Recommendation for a Council decision authorising the opening of negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland, which nominates the Commission as the Union negotiator, and the Annex thereto containing the directives for the negotiation of a new partnership (COM(2020)0035) ('negotiating directives'),

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

1. Strongly welcomes the conclusion of the EU-UK Trade and Cooperation Agreement (the Agreement) which limits the negative consequences of the United Kingdom's (UK's) withdrawal from the European Union (EU) and establishes a cooperation framework which should form the basis of a strong and constructive future partnership, avoiding the most disruptive elements of a 'no-deal' scenario, and providing legal certainty for citizens and businesses; applauds the strong work and pivotal role of the EU's Chief Negotiator and his team in this respect;

2. Reiterates that the UK's withdrawal from the EU is a historic mistake and recalls that the EU has always respected the UK's decision while insisting that the UK must also accept the consequences of leaving the EU and that a third country cannot have the same rights and benefits as a Member State; recalls that throughout the process of the UK's withdrawal from the EU, Parliament has sought to protect the rights of EU citizens, protect peace and prosperity on the island of Ireland, protect fishing communities, uphold the EU's legal order, safeguard the autonomy of EU decision making, preserve the integrity of the customs union and internal market while avoiding social, environmental, fiscal, or regulatory dumping as this is essential to protect European jobs, industry and competitiveness and to pursue the ambitions set in the European Green Deal;

3. Welcomes that these goals have been largely achieved by the EU-UK Trade and Cooperation Agreement and the Withdrawal Agreement, through an enforceable level playing field, including for state aid, social and environmental standards, a long-term settlement on fisheries, an economic agreement which will mitigate many of the negative consequences of the UK's withdrawal from the EU, and a new framework for justice, police and internal security cooperation based on full respect for the ECHR and the EU's data protection legal framework; regrets nonetheless the limited scope of this Agreement, due to the lack of political will on the part of the UK to engage in important areas, notably foreign, defence and external security policy, which falls well short of the stated ambitions in the Political Declaration; regrets also the UK's decision not to participate in Erasmus+, depriving young people of such a unique opportunity;

4. Welcomes the strong goods-focused element of the Agreement, given the intensity of EU-UK trade in goods, and notes that it is a logical consequence of the UK's withdrawal from the EU and in particular the ending of freedom of movement, that the opportunities for the UK's largely service-based economy are vastly reduced, with no continued country of origin or passporting approach, no automatic recognition of professional qualifications, and UK service providers potentially facing 27 different sets of rules and thus increased bureaucracy; highlights that this is the first agreement in the history of the EU where the negotiations sought to achieve divergence rather than convergence and as such more friction, barriers and costs for citizens and businesses were inevitable;

5. Welcomes the wider horizontal dispute settlement mechanism, which should allow for the timely resolution of disputes and the possibility for cross-suspension across all economic areas, should one of the parties not respect what it has signed up to; considers that this mechanism could become the blueprint and standard for all future free trade agreements;

6. Recalls the UKCG's and Group Leaders' statement of 11 September 2020 and takes note that the UK as a signatory to the Withdrawal Agreement is legally bound to fully implement and respect its provisions and welcomes the withdrawal of the offending provisions of the UK Internal Market Bill; condemns the UK's more recent unilateral actions, in breach of the Withdrawal Agreement, to extend grace periods exempting exports from Great Britain to Northern Ireland from providing export health certificates for all shipments of animal products, exempting parcels from making customs declarations, and

derogating from EU rules preventing soil from entering the internal market and on pet passports; considers these actions present a serious threat to the integrity of the Single Market; reiterates that all such decisions need to be agreed jointly through the relevant joint bodies; strongly calls on the UK Government to act in good faith and fully implement the terms of the agreements which it has signed, without delay, and on the basis of a credible and comprehensive timetable jointly set up with the European Commission in accordance with the good faith obligation under the Withdrawal Agreement; calls on the Commission in this regard to pursue with vigour the infringement proceeding against the UK launched on 15 March 2021 under Article 12(4) of the Protocol on Ireland and Northern Ireland; recalls that persistent non-compliance with the outcome of dispute settlement proceedings under the Withdrawal Agreement may also result in the suspension of obligations, including the restriction of the unprecedented levels of market access under the TCA; considers in this respect that the ratification of the TCA strengthens our enforcement toolbox for the Withdrawal Agreement; recalls that the full and proper respect and implementation of the Withdrawal Agreement is key to protecting citizens' rights, protecting the peace process and avoiding a hard border on the island of Ireland, protecting the integrity of the internal market, and ensuring the UK pays its fair share of liabilities accrued over the course of its membership and beyond and therefore continues to be an essential precondition for the future development of the relationship between the EU and the UK; highlights the importance of good faith and the need for trust and credibility in this respect; recalls that the design of the Protocol on Ireland/Northern Ireland, and Article 16 thereof, reflects a very delicate and sensitive political balance; insists that proposals or actions which could alter this balance should not be taken lightly or without proper prior consultation by either party; highlights the unique circumstances of Northern Ireland, and the role given to the Northern Ireland Assembly in the Protocol, including its required consent to the continued application of the Protocol in four years' time; expresses the need for ongoing and enhanced dialogue between political representatives and civil society, including with Northern Ireland representatives, on all aspects of the Protocol on Ireland/Northern Ireland and the broader Northern Irish peace process; is deeply concerned by the recent tensions in Northern Ireland and recalls that the EU is one of the main guardians of the Good Friday Agreement and is determined to protect it;

The Role of the European Parliament

7. Regrets the extreme last-minute nature of the Agreements, and the resulting uncertainty which is imposing high costs on citizens and economic operators and has also impacted Parliament's prerogatives to scrutinise and apply democratic oversight of the final text of the Agreements ahead of their provisional application; highlights the exceptional nature of this process given the firm deadline for the expiry of the transition period and the UK's refusal to extend, even in the midst of a pandemic; stresses that in no way can this process constitute a precedent for future trade agreements, where the usual format of cooperation and access to information must be guaranteed, in line with Article 218(10) TFEU, including the sharing of all negotiating texts, regular dialogue, and sufficient time for formal Parliament scrutiny and debate of agreements; underlines that agreements must not be applied provisionally without the consent of Parliament; notwithstanding the above, acknowledges that Parliament was able to express its opinion on a regular basis given the strong and frequent consultation and dialogue with the EU's Chief Negotiator and the Commission's UK Taskforce, and the adoption of two Parliament resolutions in February and June 2020, which ensured our positions were fully reflected in the EU's initial mandate and defended by the EU's Chief Negotiator during the course of negotiations;

8. Supports the establishment of a Parliamentary Partnership Assembly for Members of the European and UK Parliaments, under the Agreement; believes that this Parliamentary Partnership Assembly should be tasked with monitoring the full and proper implementation of the Agreement and making recommendations to the Partnership Council; suggests that its scope should also include the implementation of the Withdrawal Agreement, without prejudice to the governance structures of each agreement and the mechanism for their scrutiny, as well as the right to submit recommendations for areas where improved cooperation could be beneficial for both parties and to take joint initiatives to promote close relations;

9. Insists that Parliament must play a full role in the monitoring and implementation of the Agreement in line with letter of 5 February 2021 from Parliament President Sassoli; without prejudice to the existing commitments taken by the respective Commissioners vis-à-vis the responsible parliamentary committees, welcomes the Commission's statement on Parliament's role in the implementation of the Agreement, including the following undertakings:

(a) to keep Parliament immediately and fully informed of the activities of the Partnership Council and other joint bodies;

(b) to involve Parliament in important decisions under the Agreement in relation to any unilateral actions of the Union under the Agreement, and to take utmost account of the Parliament's views, and should it not follow Parliament's views to explain the reasons for which it did not;

(c) to involve Parliament sufficiently in advance of its intention to present a proposal for the Union to terminate or suspend Part Three [Law enforcement and judicial cooperation in criminal matters] of the Agreement, should the UK not respect its commitments under the European Convention on Human Rights;

(d) to involve Parliament in the selection process of potential arbitrators and panellists foreseen by the Agreement;

(e) to submit to Parliament any proposal for legislative acts regulating the modalities for adopting the autonomous measures that the Union is entitled to take under the Agreement;

(f) to take utmost account of the views of Parliament regarding the implementation of the Agreement by both Parties, including regarding possible breaches of the Agreement or imbalances in the level playing field and should it not follow the view of Parliament, to explain its reasons;

(g) to keep Parliament fully informed of the Commission's assessments and decision concerning data adequacy, as well as arrangements for regulatory cooperation with the UK authorities on financial services and the possible granting of equivalences in financial services;

Requests the consolidation of these commitments into an Interinstitutional Agreement to be negotiated at the earliest opportunity;

10. Welcomes the Agreement concerning security procedures for exchanging and protecting classified information; emphasises that this agreement, in particular its Article 3, is without prejudice to Parliament's rights under Article 218(10) TFEU, particularly in the light of paragraph 9 above; points out that the manner in which Parliament's consent has been requested by the Council, covering two agreements in one procedure — the EU-UK Trade and Cooperation Agreement and the EU-UK Agreement concerning security procedures for exchanging and protecting classified information — is not in line with standard practice and that it should in no way become a precedent, as Parliament should be able to provide its consent for each international agreement, before its entry into force, separately and not as a package, otherwise its prerogatives would be seriously undermined;

11. Urges the strong involvement of EU and UK trade unions and other social partners and civil society organisations in the monitoring and implementation of the Agreement, including their consultation and potential participation in the specialised committees where relevant matters are considered, as well as the establishment of a dedicated labour forum to meet before each Partnership Council meeting; suggests in light of the importance and potential wide-ranging consequences of the Agreement, that the Domestic Advisory Group be enlarged with increased representatives from the trade unions and other social partners, in particular from the European Sector Federations, and that civil society organisations and trade unions and other social partners should be empowered to submit complaints to the Commission, with a requirement on the Commission to act on such complaints;

12. Welcomes the Commission's efforts to involve stakeholders as much as possible given the limited time available and also welcomes the detailed readiness notices which have helped businesses to prepare for the inevitable changes as from 1 January 2021, when the UK left the customs union and the internal market; calls for increased efforts by all EU Member States and, where applicable, regions, to ensure that these first months under the new regime vis-à-vis the new status of the UK go as smoothly as possible for all economic operators and citizens; recognising that the UK's withdrawal from the EU has significant short-term economic consequences, calls on the Commission to make full and timely use of the EUR 5 billion Brexit Adjustment Reserve, once adopted by the co-legislators, to help sectors, businesses and workers alike, and Member States most affected by the negative and unforeseen impacts of the new relationship between the EU and the UK;

Trade

13. Emphasises the unprecedented scope of the Agreement with regard to trade in goods whereby the objective of zero quotas and zero tariffs has been achieved and as a result will facilitate trade with the UK, in the framework of appropriate rules of origin, safeguarding the interests of EU producers, including through bilateral cumulation, the self-certification of

origin by exporters, as well as the 12-month exemption period for some of the documentation; stresses the importance of an effective level-playing field, in particular on non-regression and avoiding future divergences, in combination with this unprecedented scope of the Agreement;

14. Underlines that for trade in services both parties' commitments deliver a level of liberalisation beyond their WTO commitments, including through a forward-looking 'most favoured nation' clause, a review commitment with a view to future improvements, and with special rules provided for mobility of professionals for business purposes ('Mode 4' services); however, at the same time recalls that, by leaving the internal market, the UK lost its automatic unlimited right to provide services across the EU; recognises clear provisions on professional qualifications that are different due to the UK being a third country; welcomes nevertheless the mechanism provided for in the Agreement whereby the EU and the UK may later agree on a case-by-case basis and for specific professions on additional arrangements;

15. Welcomes the chapter on digital trade, including the explicit prohibition of data localisation requirements or mandatory disclosure of source code, novel to the Free Trade Agreements the EU has so far concluded, while at the same time preserving the EU's right to regulate and data protection requirements; recognises that this digital chapter can serve as a model for future trade agreements; also welcomes regulatory cooperation on emerging technologies, including artificial intelligence;

16. Commends the fact that, despite the initial reticence from the UK side, the most ambitious overarching chapter on public procurement ever has been negotiated going beyond the Agreement on Government Procurement to guarantee equal treatment for EU companies, as well as a chapter on the needs and interests of micro-enterprises and small and medium-sized enterprises (SMEs); recalls that the existing stock of geographical indications (GIs) has been protected under the Withdrawal Agreement, but regrets that no arrangements regarding future GIs could be found contrary to the commitments taken in the Political Declaration; acknowledges nevertheless the 'rendez-vous' clause to extend protection in the future and urges both parties to activate this clause as soon as possible;

17. Strongly urges the Commission and the Member States to set up and actively engage in relevant regulatory coordination platforms providing full transparency to Parliament to allow for a high degree of regulatory convergence in the future, in line with the European Green Deal, and to avoid unnecessary conflicts, while at the same time safeguarding each party's right to regulate as highlighted in the Agreement;

Level playing field

18. Welcomes the overarching and modern title on a level playing field for open and fair competition and sustainable development which should be considered as a model for other future Free Trade Agreements negotiated by the EU, including:

(i) rules on non-regression from the current high levels of protection in labour and social standards, environment and climate, taxation, which cannot be lowered in a manner affecting trade or investment, as well as rules on competition and state-owned enterprises;

(ii) the possibility to apply unilateral rebalancing measures in the case of significant future divergences in the areas of labour and social standards, environment or climate protection, or of subsidy control, where such divergences materially impact trade or investment between the parties; emphasises the need to ensure that significant divergence with material impact on trade or investment is broadly interpreted and can be demonstrated in a practical manner to ensure that the ability to use such measures is not unduly restricted;

(iii) the agreed set of binding subsidy control principles, the non-respect of which can be challenged by competitors, with the courts empowered to order beneficiaries to pay back the subsidy where necessary, and the possibility for the EU to tackle any non-compliance by the UK through unilateral sanctions, including the introduction of tariffs or quotas on certain products or the cross-suspension of other parts of the economic partnership; emphasises the need to monitor the new UK State aid regime and assess the efficacy of the mechanism to address unjustified subsidies so that it effectively contributes to a level playing field;

(iv) however regrets that the chapter on taxation is not subject to dispute settlement provisions nor to rebalancing measures; requests the Commission to remain vigilant on questions of taxation and money laundering, where all available tools such as the listing processes should be used to dissuade the UK from adopting unfair practices; recalls in this respect the possibility to request a review of the trade heading four years after the entry into force of the Agreement should imbalances arise;

(v) recalls that provisions on the level playing field apply in a general manner, including in so-called special economic zones;

19. Highlights that due monitoring and adequate oversight are of crucial importance to get a solid understanding of both remaining and new barriers that companies, and especially SMEs, face on the ground; emphasises the importance of avoiding unnecessary regulatory uncertainty, administrative burdens and procedural complexity which will add complexity and cost; calls in this regard on the Commission and the Member States to engage with the business community, especially SMEs in order to mitigate emerging trade irritants;

Governance

20. Welcomes the horizontal governance and institutional framework set out in the Agreement, ensuring a common coherence, link and enforcement between all chapters, thus avoiding additional parallel structures and bureaucracy, as well as providing legal certainty and robust guarantees of compliance by the parties; acknowledges in particular the robust mechanism to resolve disputes that may arise between the EU and the UK on the interpretation or implementation of their commitments;

21. Welcomes the non-discrimination clause in the governance chapter that ensures that the UK cannot, in its national visa policy, discriminate between citizens of EU Member States for the purpose of granting short-term visas; condemns the discriminatory treatment of some EU citizens (from Bulgaria, Estonia, Lithuania, Romania and Slovenia) who do not benefit from the same visa application fee regime in the UK as citizens of the other 22 EU Member States with regard to fees for work visas and certificates of sponsorship;

Security, foreign affairs and development

22. Regrets that contrary to the Political Declaration which envisaged an ambitious, broad, deep and flexible partnership in the field of foreign policy, security and defence, the UK refused to negotiate on these aspects as part of the Agreement; recalls nevertheless that it is in both sides' interest to maintain close and lasting cooperation in these fields, particularly for the promotion of peace, security, including counter-terrorism, promoting a rules-based global order, effective multilateralism, the UN Charter, consolidation of democracy and the rule of law, and the protection of human rights and fundamental freedoms as per Article 21 TEU; proposes that future cooperation and coordination between the EU and UK should be governed by a systemic platform for high-level consultations and coordination on foreign policy issues, including challenges posed by countries such as Russia and China, a close engagement on security matters, including in the framework of EU-NATO cooperation, and a systematic preferential cooperation as regards in particular peacekeeping operations; calls in particular for in-depth cooperation and coordination with the UK as regards sanctions policies with the EU given the shared values and interests and for the establishment of a coordination mechanism in this respect;

23. Deplores in that regard the UK's decision to downgrade the European Union's diplomatic status and calls on relevant UK authorities to urgently remedy this action and urges the Commission to stand firm in defence of the proper implementation of the Treaties;

24. Notes the importance of the UK as a development and humanitarian aid actor, owing to the scale of its official development assistance (even with the cut from 0,7 to 0,5 % of GNI), its expertise, project implementation capacities and comprehensive relations with the Commonwealth and developing countries; encourages the UK to help minimise the negative impacts of the UK's withdrawal from the EU on developing countries and to sustain its commitment to being at the forefront of development assistance and humanitarian aid; calls for close EU-UK donor coordination and cooperation, including the possibility to draw on each other's capacities so as to maximise efficiency, development effectiveness and progress towards the United Nations' Sustainable Development Goals;

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Specific sectoral issues and thematic cooperation

25. Considers that the internal market is a key achievement of the European Union, has been highly beneficial for both parties' economies and has created a basis for improving citizens' quality of life; stresses that this new era of economic partnership should be oriented towards generating mutually beneficial opportunities and should by no means result in any undermining of the integrity and functioning of the internal market and the customs union; acknowledges that the extension of the facilitations granted to authorised economic operators is an appropriate way forward to avoid distortions in trade;

26. Underlines that as part of the implementation process the EU should pay special attention to the conformity of the customs checks performed before goods enter the internal market (either coming from the UK or from other third countries via the UK) as envisaged in the Agreement, and insists that ensuring the compliance of goods with internal market rules is of utmost importance; stresses the need for greater investment in customs control facilities and for further coordination and exchange of information between both parties in order to prevent trade disruptions as far as possible, as well as to preserve the integrity of the customs union in the interest of consumers and businesses; considers that smooth cooperation between customs and market surveillance authorities is absolutely necessary and raises concerns in particular about the necessary operational capacity of the EU presence in Northern Ireland;

27. Notes that consumer habits and consumer confidence in cross-border shopping have already been negatively affected by the uncertainty over the applicable rules and calls on the UK Government, the Commission and the Member States to swiftly implement the measures set out in the Agreement for the protection of consumers, and to reinforce cooperation on various sectoral policies relating to sustainable production methods and product safety; calls for transparency along the product-service supply chain for the benefit of consumers, and declares that prices that reflect the total costs of the purchase, including all relevant applicable fees and duties, and clarity on the applicable consumer rights are key to avoiding friction and fostering the confidence of consumers when purchasing across the border;

28. Deplores the negative impact on certain fishing communities, while recognising that the provisions on fisheries which establish a 25 % reduction phased in over 5½ years represents a less damaging outcome than a complete closure of UK waters; in this respect, calls on the Commission to take all necessary actions to ensure that the 25 % reduction threshold is never exceeded and that reciprocal access remains in place; in that regard is concerned that the Partnership Council is allowed to amend Annexes35, 36 and 37; requests that Parliament be properly consulted ahead of any such change;

29. Expresses its strong concern as regards the situation at the end of this period, and reminds the UK that its continued access to EU markets is directly linked to the access of EU fisheries to UK waters thereafter; recalls that should the UK consider limiting access after the initial 5½ year period, the EU will be able to take action to protect its interests, including by re-establishing tariffs or quotas for UK fish imports or suspending other parts of the Agreement, should there be a risk of serious economic or social difficulties for EU fishing communities; deeply regrets that EU rights to fish are being questioned with diversionary means through the impossibility to timely adopt an agreement on TACs and quotas and through unacceptable technical measures, as well as through controversial restrictive interpretations concerning the conditions to acquire licences;

30. Highlights its deep concern at the potential consequences of the UK diverging from Union regulations on technical measures and other related Union environmental legislation that could lead to a de facto limitation of access to UK waters for some European fishing vessels; recalls that the Agreement obliges each party to precisely justify the non-discriminatory nature of any development in this area, and the necessity, in the light of scientifically verifiable data, to ensure long-term environmental sustainability; calls on the Commission to be particularly vigilant that these conditions are complied with and to strongly respond in case the UK acts in a discriminatory manner;

31. Expresses concerns with regard to the consequences of different rules applicable to territories with special UK related status, notably Crown Dependencies and Overseas Territories; calls on the Commission to pay special attention to these territories and their specificities;

32. Is concerned about how a future possible unilateral lowering of social and labour standards by the UK would be addressed and contested under the Agreement; reiterates once again that any unilateral lowering of social and labour standards at the expense of European workers and companies must be swiftly addressed and remedied in order to maintain

a level playing field; also deplores that although the UK was obliged under Article 127 of the Withdrawal Agreement to transpose the Directive on work-life balance for parents and carers and the Directive on Transparent and Predictable Working conditions ([13]) during the transition period, it has not yet taken the necessary steps to do so and has thus deprived workers in the UK of certain newly established rights;

33. Welcomes the fact that the new cooperation mechanism as regards social security coordination is close to existing rules under Regulation (EC) No 883/2004 ([14]) on the coordination of social security systems and Regulation (EC) No 987/2009 ([15]) laying down the procedure for implementing Regulation (EC) No 883/2004; welcomes, in particular, the fact that EU provisions on non-discrimination, equal treatment and the aggregation of periods are safeguarded in the Agreement; regrets, nevertheless, the restrictions on the material scope and, in particular, that family benefits, long-term care and non-contributory cash benefits and the exportability of unemployment benefits are not included; calls on the parties to immediately provide citizens affected by restrictions to free movement with solid and reliable information regarding their rights to residence, to work and to social security coordination;

34. Takes note of the interim provision for transmission of personal data to the UK; reiterates its resolutions of 12 February 2020 and 18 June 2020 on the importance of data protection both as a fundamental right, as well as a key enabler for the digital economy; recalls that, as regards the adequacy of the UK data protection framework, according to case law of the CJEU the level of protection of the UK must be 'essentially equivalent' to that offered by the EU legal framework, including onward transfers to third countries, both as regards commercial transfers and transfers for law enforcement purposes; acknowledges the launching of the procedure for the adoption of the two adequacy decisions for transfers of personal data to the United Kingdom, under the General Data Protection Regulation ([16]) (GDPR) and the Law Enforcement Directive ([17]) on 19 February 2021; calls on the Commission not to adopt a positive adequacy decision if the conditions set under EU law and case law are not fully respected; stresses that an adequacy decision may not be the object of negotiation between the UK and the EU since it refers to the protection of a fundamental right recognised by the ECHR, the Charter and the EU Treaties;

35. Underlines that the Agreement establishes cooperation with the UK in law enforcement and judicial cooperation in criminal matters, which is of an unprecedentedly close nature with a third country; points out that, as an additional safeguard, Part III, Title III of the Agreement provides for a specific regime on dispute-settlement in view of the sensitive area regulated by it; welcomes the provisions on suspension and termination of Part III, notably the ECHR conditionality;

36. Deplores that Parliament's demands regarding a common EU approach on asylum, migration and border management have not been followed up and that these important matters, which also impact the rights of the most vulnerable, such as unaccompanied minors, are now left to be dealt with via bilateral cooperation; calls for a relevant agreement that would replace the Dublin Regulation ([18]) to be agreed swiftly between the EU and the UK;

37. Regrets the lack of ambition of the Agreement on mobility policies and calls for the development of safe legal migration pathways between the EU and UK; welcomes the provisions on visas for short-term visits and the non-discrimination clause among Member States; calls on the UK not to discriminate among EU citizens on the basis of

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([13]) Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105).

([14]) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

([15]) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

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

([17]) Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

([18]) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

their nationality, both in terms of registration in the EU settlement scheme, as well as in mobility and visa issues; calls on the Commission to strictly enforce the reciprocity principle; condemns the UK's discriminatory decision to apply different fees for work visas for citizens of certain EU Member States as regards, for instance, seasonal work visas and health and care worker visas; emphasises the importance of guaranteeing equal access to the UK's labour market for EU citizens and the need to apply the same fee for all EU nationals, and therefore urges the UK to immediately reverse its decision;

38. Calls on the Commission to keep Parliament fully informed on monitoring of the implementation of the Agreement by the European Central Bank, the European Supervisory Authorities, the European Systemic Risk Board and the Single Resolution Board, as well as of market developments in financial services in order to identify potential market disruptions and threats to financial stability, market integrity and investor protection in a timely manner;

39. Calls on the Commission to use the tools available, to consider new tools in the upcoming revision of the anti-money-laundering framework and to ensure sincere cooperation in relation to beneficial ownership transparency, to guarantee a level playing field and to protect the single market from money laundering and terrorist financing risks emanating from the UK;

40. Notes with appreciation that the Agreement includes commitments on taxation transparency and fair tax competition, as well as a joint Political Declaration on countering harmful tax regimes;

41. Welcomes the announcement of an agreement between the UK and EU on a Memorandum of Understanding of financial services, but regrets that the UK equivalence decisions have so far been granted only to individual EEA States, including the Member States of the European Union, rather than to the Union as a whole; recalls that equivalence decisions cover several areas of law subject to harmonisation at EU level, and that in some cases, supervision is directly carried out by EU authorities; therefore calls on the Commission to consider whether UK equivalence decisions have been addressed to the EU as a whole, before making its own equivalence determinations;

42. Considers that there is a need to further clarify the scope of the non-regression obligation with regard to tax matters; fears the impact of differing legislation concerning tax matters; is particularly concerned about the early announcement from the UK to only commit to the mandatory disclosure of reportable arrangements based on weaker international standards and also regrets public statements on the opening of free ports in the UK;

43. Warns that unclear terminology and non-binding or unpredictable legal rules and oversight mechanisms on taxation within the Agreement increases the risk of fiscal dumping; notes in addition that the enforcement of the Agreement risks generating unresolved disputes due to a lack of clauses with direct effect, including on harmful tax practices; notes with concern that conditions on tax state aid are more stringent in EU trade agreements with Switzerland and Canada;

44. Notes that the Agreement does not apply to the UK Crown Dependencies and UK Overseas Territories; considers that thorough scrutiny should be conducted in order to ensure that the Agreement does not contain loopholes that allow these territories to be used as counterparts for developing new harmful tax schemes impacting the functioning of the internal market;

45. Welcomes that the Paris Agreement will constitute an essential element of the Agreement; regrets, however, that the climate base level of protection with respect to greenhouse gases did not take into account the revised economy-wide 2030 targets which are about to be adopted; underlines, furthermore, that the EU plans to further strengthen and expand the scope of the EU Emissions Trading System; considers that, should significant differences emerge between the EU Emissions Trading System and the UK Emissions Trading Scheme, this could lead to a distortion of the level playing field and could thus be taken into account in the application of the EU Carbon Border Adjustment Mechanism, once in place;

46. Welcomes the provisions on cooperation on health security which enable the parties and Member States' competent authorities to exchange relevant information, but regrets that this cooperation has been limited to assess 'significant' public health risks, and to coordinate the measures that could be required to protect public health;

47. Welcomes that there will be no changes to EU food safety standards and that the Agreement aims to safeguard the EU's high sanitary and phytosanitary (SPS) standards; reiterates that the trade flows of goods bound by SPS measures will be extremely high between the EU and the UK and that the EU should have a proper coordination process to avoid inconsistent control checks on UK goods at EU ports;

48. Welcomes the comprehensive chapter on air transport included in the Agreement, which should ensure that the EU's strategic interests are protected, and which contains appropriate provisions on market access, traffic rights, code sharing and passengers' rights; welcomes the specific level playing field provisions within the chapter on aviation, which will ensure that EU and UK air carriers compete on an equal footing; notes the solution found to the ownership and control rules, which govern the access to the internal market, while leaving the possibility for continued liberalisation in the future; welcomes the specific chapter on aviation safety, which provides for close cooperation in aviation safety and air traffic management; considers that such cooperation should not limit the EU in determining the level of protection that it considers appropriate for safety; underlines the importance of future close collaboration between the UK Civil Aviation Authority and European Union Aviation Safety Agency;

49. Welcomes the fact that the Agreement will ensure quota-free connectivity between the EU and the UK for road transport hauliers and that it will guarantee full transit rights across each other's territories, the so-called 'land bridge'; welcomes the strong level playing field achieved in the negotiations for road transport and the specific provisions thereof, which will bind the UK to the high EU standards applicable to the road haulage sector; highlights, in this regard, that the Agreement includes inter alia standards on access to profession, posting of drivers, driving and rest times, tachograph and weights and dimensions of vehicles; notes that such standards will not only ensure fair competition, but will also guarantee good working conditions for drivers and a high level of road safety; welcomes the specific provisions relating to Northern Ireland, adopted in recognition of Ireland's unique situation, which will minimise disruption to the all-island economy; calls on Member States to intensify efforts to provide transport stakeholders with accurate and useful information, ensure the functioning and robustness of relevant IT systems and make all documents required for transit accessible online; draws attention to the need to consider financial support to certain ports in order to rapidly remove hurdles to physical infrastructure that arise due to increased waiting time for hauliers crossing the border; calls for close EU-UK cooperation to prevent unnecessary delays and disruptions in the transport system, maintaining connectivity to the greatest extent possible;

50. Welcomes the continuation of European collaboration with the UK in the field of science, research, innovation and space; underlines the importance of supporting researchers' mobility, ensuring that scientific knowledge and technology circulate freely; calls on mobile service operators to continue applying the 'roam like at home' principle in both the EU and the UK; notes that the energy chapter expires on 30 June 2026; underlines the need to continue the cooperation on all energy matters beyond that date, given the interconnection of both energy markets and the fact that Northern Ireland will remain within the EU's internal energy market; notes the EU-UK Agreement for cooperation on the safe and peaceful uses of nuclear energy; regrets that it is not part of the consent procedure as the Euratom Treaty does not provide for a role of the Parliament; calls for a Memorandum of Understanding, based on the North Seas Energy Cooperation (NSEC) framework, that includes joint projects, maritime spatial planning and the integration of offshore energy in the energy markets;

51. Welcomes the rules governing UK participation in Union programmes set out in the relevant section of the Agreement; considers that those rules broadly meet Parliament's expectations, as set out in its recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland; considers in particular that those rules protect the Union's financial interest; in that regard, welcomes the application of the automatic correction mechanism to the Horizon Europe programme;

52. Welcomes the UK association to Horizon Europe; and welcomes the fact that the UK intends to take part in the Euratom research and training programme, the Copernicus component of the Space programme, and ITER, and will have access to space surveillance and tracking services under the Space programme; welcomes the fact that the PEACE+ programme will be the subject of a separate financing agreement;

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53. Deeply regrets the UK's decision not to participate in the Erasmus+ programme for the period of the 2021-2027 Multiannual Financial Framework (MFF); underlines that the decision will result in a lose-lose outcome, depriving people and organisations in the EU and in the UK of life-changing opportunities through exchange and cooperation projects; is particularly surprised that the UK cited excessive participation costs as the reason for its decision; urges the UK to use the 'cooling-off' period provided for under the Joint Declaration on Participation in EU Programmes to reconsider its position; welcomes Ireland's generous offer to put in place a mechanism and financing to allow students from Northern Ireland to continue to take part;

54. Recalls that education and research are both integral parts of academic cooperation and that synergies between Horizon Europe and Erasmus+ are a key dimension of the new generation of programmes; underlines that it will monitor the situation closely to ensure that the differentiated approach to UK participation in the EU's two academic cooperation programmes does not undermine their effectiveness or the results of past cooperation;

55. Underlines the importance of ensuring the protection of the Union's financial interests in all dimensions, and that the UK respects its financial obligations under the Agreement in full; underlines the need for strong cooperation on VAT and customs duties in order to ensure proper collection and the recovery of claims; highlights that customs procedures are highly complex, and that there is a permanent need for ensuring the swift exchange of information and strong cooperation between the EU and the UK in order to ensure efficient controls and clearance, and enforcement of relevant legislation; stresses also the need to avoid customs and VAT fraud, including trafficking or smuggling through adequate controls, taking into account the likelihood of specific goods being trafficked or smuggled or of incorrect declarations of origin or content being submitted for them;

56. Underlines the need to ensure that the implementation of the Agreement and, in line with the provisions of close cooperation between the parties, the right of access of Commission services, the European Court of Auditors, OLAF and EPPO, as well as Parliament's right of scrutiny, are fully respected; stresses furthermore the importance of the competence of the CJEU over decisions by the Commission;

57. Highlights the importance of intellectual property (IP) and the need to ensure regulatory continuity, with the exception of future geographical indications; welcomes in this regard the enhanced protection of IP rights established in the Agreement, which covers all types of IP rights, and the enforcement and cooperation provisions, covering a wide range of measures;

58. Deeply regrets that the parties' existing company types, such as the Societas Europaea (SE) or limited companies, are not covered by the Agreement and will no longer be accepted by the respective opposite party; is nevertheless pleased that the parties, while protecting economic operators, took into account the need to ensure a sustainable and competitive development climate by committing to non-regression in terms of labour and social standards and by agreeing on provisions on forbidden practices, enforcement and cooperation when it comes to competition policy;

59. Regrets that judicial cooperation in civil matters was not part of the negotiations for the future partnership between the EU and the UK and emphasises the need to reach a joint understanding in this area as soon as possible; recalls, in this regard, that the EU should consider very carefully its decision on the possibility for the UK to remain a party to the 2007 Lugano Convention, especially in view of its Protocol II on its uniform interpretation and of the possibility to maintain an overall balance of its relationships with third countries and international organisations and that effective collaboration and dialogue between the Commission and Parliament, particularly with the Committee on Legal Affairs, in charge of the interpretation and application of international law, in so far as the EU is affected, would be of paramount importance;

60. Deeply regrets that a detailed and meaningful solution with regard to matrimonial, parental responsibility and other family matters has not been established by the Agreement; welcomes in this regard the possibilities for enhanced cooperation, at least in key family law issues and matters of practical cooperation in the areas of parental responsibility, child abduction and maintenance obligations, that can be offered via the participation of the UK as an observer to the meetings of the European Judicial Network on civil and commercial matters;

61. Regrets that the Agreement gives no role to the Court of Justice of the European Union, in spite of the commitment of the parties in the Political Declaration to ensure that the arbitration panel would refer to the CJEU for a binding ruling in case a dispute between them raised a question of interpretation of concepts of EU law;

62. Notes that the Agreement does not apply to Gibraltar nor has any effects on its territory; takes note of the preliminary agreement between Spain and the UK on a proposed framework for an EU-UK agreement on Gibraltar's future relationship with the EU that will permit the application of relevant provisions of the Schengen *acquis* in Gibraltar;

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

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P9_TA(2021)0143

Soil protection

European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP))

(2021/C 506/07)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 191 thereof,

— having regard to the European Council conclusions of 12 December 2019 on climate change,

— having regard to the Council conclusions of 23 October 2020 on Biodiversity — the need for urgent action,

— having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ([1]) (the '7th EAP') and its vision up to 2050,

— having regard to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment ([2]),

— having regard to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage ([3]),

— having regard to the Commission proposal for a directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC (COM(2006)0232),

— having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ([4]),

— having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for the Community action in the field of water policy ([5]),

— having regard to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ([6]),

— having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ([7]) (the Nitrates Directive),

— having regard to Directive 2009/128/EC of 21 October 2009 of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides ([8]), and its subsequent amendments,

— having regard to Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants ([9]),

— having regard to Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 ([10]),

([1]) OJ L 354, 28.12.2013, p. 171.
([2]) OJ L 156, 25.6.2003, p. 17.
([3]) OJ L 143, 30.4.2004, p. 56.
([4]) OJ L 334, 17.12.2010, p. 17.
([5]) OJ L 327, 22.12.2000, p. 1.
([6]) OJ L 181, 4.7.1986, p. 6.
([7]) OJ L 375, 31.12.1991, p. 1.
([8]) OJ L 309, 24.11.2009, p. 71.
([9]) OJ L 344, 17.12.2016, p. 1.
([10]) OJ L 137, 24.5.2017, p. 1.

— having regard to Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework ([11]),

— having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 ([12]),

— having regard to the Commission's political guidelines for 2019-2024, in particular to the zero-pollution ambition for Europe,

— having regard to the proposal for a regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (COM(2018)0392),

— having regard to the Commission communication of 11 December 2019 entitled 'The European Green Deal' (COM(2019)0640),

— having regard to the Commission proposal for a decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2030 (for an 8th Environment Action Programme — EAP) (COM(2020)0652),

— having regard to the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030 — Bringing nature back into our lives' (COM(2020)0380),

— having regard to the 'Status of the World Soil Resources Report' published in 2015 by the Intergovernmental Technical Panel on Soils (ITPS), the Global Soil Partnership (GSP) and the Food and Agriculture Organization (FAO),

— 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 Commission report of 13 February 2021 on 'The implementation of the Soil Thematic Strategy and ongoing activities' (COM(2012)0046),

— having regard to the Commission communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe' (COM(2011)0571),

— 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 the Commission communication of 14 October 2020 entitled 'Chemicals Strategy for Sustainability Towards a Toxic-Free Environment' (COM(2020)0667),

— having regard to the Commission communication of 16 April 2002 entitled 'Towards a Thematic Strategy for Soil Protection' (COM(2002)0179),

— having regard to the Commission staff working document of 12 April 2012 entitled 'Guidelines on best practices to limit, mitigate or compensate soil sealing' (SWD(2012)0101),

— having regard to its resolution of 19 November 2003 on the Commission communication 'Towards a Thematic Strategy for Soil Protection' ([13]),

([11]) OJ L 156, 19.6.2018, p. 1.
([12]) OJ L 347, 20.12.2013.
([13]) OJ C 87 E, 7.4.2004, p. 395.

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— having regard to its resolution of 13 November 2007 on the Thematic Strategy for Soil Protection ([14]),

— having regard to its resolution of 16 January 2020 on the 15th meeting of the Conference of Parties (COP15) to the Convention on Biological Diversity ([15]),

— having regard to its resolution of 28 November 2019 on the climate and environment emergency ([16]),

— having regard to its resolution of 16 January 2019 on the Union's authorisation procedure for pesticides ([17]),

— having regard to its resolution of 10 July 2020 on a Chemicals Strategy for Sustainability ([18]),

— having regard to its resolution of 10 February 2021 on the New Circular Economy Action Plan ([19]),

— having regard to its resolution of 15 January 2020 the European Green Deal ([20]),

— having regard to its resolution of 13 November 2007 on the Thematic Strategy for Soil Protection ([21]),

— having regard to the opinion of the Committee of the Regions of 19 January 2013 on 'Implementation of the Soil Thematic Strategy' ([22]),

— having regard to the opinion of the Economic and Social Committee on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a Thematic Strategy for Soil Protection' (COM(2002)0179) ([23]),

— having regard to the opinion of the Committee of the Regions of 5 February 2021 on agro-ecology (CDR 3137/2020),

— having regard to European Court of Auditors' Special Report No 33/2018 entitled 'Combating desertification in the EU: a growing threat in need of more action',

— having regard to the EU Fitness Check on EU water legislation (SWD(2019)0439),

— having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs), and in particular SDG 15, which is to protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss,

— having regard to the 'New Leipzig Charter — The transformative power of cities for the common good', adopted at the Informal Ministerial Meeting on Urban Matters of 30 November 2020,

— having regard to the Agreement adopted at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) in Paris on 12 December 2015 (the Paris Agreement),

— having regard to the United Nations Convention to Combat Desertification (UNCCD),

— having regard to the United Nations Convention on Biological Diversity (UNCBD),

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([14]) OJ C 282 E, 6.11.2008, p. 138.
([15]) Texts adopted, P9_TA(2020)0015.
([16]) Texts adopted, P9_TA(2019)0078.
([17]) OJ C 411, 27.11.2020, p. 48.
([18]) Texts adopted, P9_TA(2020)0201.
([19]) Texts adopted, P9_TA(2021)0040.
([20]) Texts adopted, P9_TA(2020)0005.
([21]) OJ C 282 E, 6.11.2008, p. 138.
([22]) OJ C 17, 19.1.2013, p. 37.
([23]) OJ C 61, 14.3.2003, p. 49.

— having regard to the Assessment Report on Land Degradation and Restoration published by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IBPES) on 23 March 2018,

— having regard to the European Environment Agency (EEA) report of 4 December 2019 entitled 'The European environment — state and outlook 2020' (SOER 2020),

— having regard to the report 'The State of Soil in Europe — A contribution of the JRC to the European Environment Agency's Environment State and Outlook Report — SOER 2010' published by the Commission and the Joint Research Centre in 2012,

— having regard to the Intergovernmental Panel on Climate Change (IPCC) Special Report on Climate Change and Land published on 8 August 2019,

— having regard to the UN Office for Disaster Risk Reduction (UNDRR) report of 2018 entitled 'Economic losses, poverty & disasters: 1998-2017',

— having regard to the Oral Questions to the Council and the Commission on the Soil protection (O-000024/2021 — B9-0011/2021 and O-000023/2021 — B9-0010/2021),

— 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 the Environment, Public Health and Food Safety,

A. whereas soil is an essential, complex, multifunctional and living ecosystem of crucial environmental and socioeconomic importance which performs many key functions and delivers services vital to human existence and ecosystem survival so that current and future generations can meet their own needs;

B. whereas Earth's soils constitute the largest terrestrial carbon store and contain roughly 2 500 gigatons of carbon (1 gigaton = 1 billion metric tons), compared with 800 gigatons in the atmosphere and 560 gigatons in animal and plant life; whereas healthy soils are crucial for climate change mitigation as they remove approximately 25 % of the equivalent carbon emitted through the world's fossil fuel use each year; whereas the world's cultivated soils have lost 50-70 % of their original carbon stock ([24]);

C. whereas there are over 320 major soil types identified in Europe, with enormous physical, chemical and biological variations within each one;

D. whereas soil plays a central role as a habitat and gene pool as it hosts 25 % of the world's biodiversity, provides key ecosystem services to local communities and in a global context, such as the provision of food, provides raw materials, climate regulation through carbon sequestration, water purification, nutrient regulation, and pest control, serves as a platform for human activity and helps prevent floods and droughts; whereas soil formation is one of the ecosystem processes known to be declining in Europe;

E. whereas although soil is very dynamic, it is also very fragile and is a non-renewable, finite resource, given the length of time soil formation requires, at a pace of around one centimetre of top soil every 1 000 years; whereas this makes soil a very precious resource;

F. whereas soils play a role in the beauty of our European landscapes, along with forest areas, coastlines, mountainous areas and all of Europe's ecosystems;

([24]) Schwartz, J.D. 2014. *Soil as Carbon Storehouse: New Weapon in Climate Fight?,* Yale Environment 360.

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G. whereas soils under grassland and forests are a net carbon sink, estimated to remove up to 80 million tonnes of carbon per year in the EU ([25]); whereas, however, together EU croplands and grasslands together are net sources of emissions, releasing about 75,3 million tonnes carbon dioxide equivalent (MtCO2e) in 2017 ([26]); whereas the agriculture and forestry sectors are therefore in a key position to contribute to the removal of carbon from the atmosphere through the capture and storage of carbon in soils and biomass;

H. whereas soil structure and characteristics are the product of soil formation, geomorphological and geological processes occurring over thousands of years, thus making it a non-renewable resource; whereas it is therefore far more cost-effective to prevent any kind of damage to soil strata (erosion, destruction, degradation, salinisation, etc.) and soil contamination than to try to restore soil functions;

I. whereas soil functions are strongly dependent on the full complement of soil biodiversity; whereas above-ground and below-ground diversity have important connections, and soil biodiversity is an important contributor to local levels of plant diversity;

J. whereas the protection of soil biodiversity is absent from most environmental protection legislation (such as the Habitat Directive or Natura 2000) and the main EU common agricultural policy legislation; whereas increasing or maintaining soil biodiversity is an effective solution that can assist in soil restoration and soil pollution remediation;

K. whereas, both in the EU and globally, land and soil continue to be degraded by a wide range of human activities, such as poor land management, land use change, unsustainable agricultural practices, land abandonment, pollution, unsustainable forestry practices and soil sealing, biodiversity loss and climate change, often combined with other factors, thus reducing their capacities to provide ecosystem services for the whole of society;

L. whereas it is regrettable that the EU and its Member States are not currently on track to meet their international and European commitments related to soil and land, in particular:

(a) to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030;

(b) to achieve the 'no net land take by 2050' target and reduce erosion, increase soil organic carbon, and progress with remedial work by 2020;

(c) to manage land sustainably in the EU, protect soils adequately, and make sure that the remediation of contaminated sites is well underway by 2020;

M. whereas soils play a vital role for water management, as healthy soils with a high level of organic matter better benefit the water system and contribute to climate change mitigation and adaptation; whereas wetlands, peatlands and rural and urban nature-based solutions store and infiltrate rainwater, which allows aquifers to be replenished for bridging dry periods and avoids connections to sewers, which reduces spills of untreated waste water during heavy rains;

N. whereas several key threats to soil have been identified in the EU such as: climate change, sealing, compaction erosion, floods and landslides, droughts, hydrogeological instability, loss of soil organic matter, fires, storms, salinisation, contamination, loss of soil biodiversity, acidification and desertification; whereas most of these ongoing degradation processes are not adequately addressed or are not addressed at all in existing EU and national legislation;

([25]) European Environment Agency, *Soil Organic Carbon*, 20 February 2017. https://www.eea.europa.eu/data-and-maps/indicators/soil-organic-carbon-1/assessment

([26]) Institute for European Environmental Policy, *Climate and Soil Policy Brief: Better Integrating Soil Into EU Climate Policy*, October 2020 https://ieep.eu/uploads/articles/attachments/437a17b8-f8a4-478d-ab7f-4a74e2e60ced/IEEP%20(2020)%20Climate%20and%20soil%20policy%20brief%20-%20Better%20integrating%20soil%20into%20EU%20climate%20policy.pdf?v=63771126961

O. whereas soil erosion affects 25 % of agricultural land in the EU and increased by about 20 % between 2000 and 2010; whereas it is estimated that soil erosion causes a loss of agricultural production of EUR 1,25 billion in the EU annually ([27]); whereas carbon stocks in arable top soils are declining and the EU has been losing its wetlands and peatlands steadily; whereas significant areas of EU farmland are facing salinisation and desertification, with 32-36 % of European subsoils ([28]) highly susceptible to compaction;

P. whereas erosion is a natural phenomenon which can create mudflows with sometimes disastrous consequences, such as the emergence of deep gullies leading to the loss of the soil's fertile surface layer, and whereas, in the long term, erosion can lead to soil degradation and the loss of cultivable land;

Q. whereas the unsustainable management of land and soil has several negative impacts not only on terrestrial and freshwater biodiversity but also on marine biodiversity, causing changes in hydrographic conditions, excess nutrient and contamination concentrations, and increased loss and deterioration of coastal marine ecosystems; whereas, according to projections, shoreline protection is declining in Europe, threatening the natural capacity of coastal ecosystems to reduce the impacts of climate change and extreme weather events in the most vulnerable coastal zones;

R. whereas land use modifies the quality and quantity of ecosystem services by conditioning the potential of land and soil to provide these services; whereas the main drivers of land and soil degradation are unsustainable agricultural and forestry practices, urban expansion and climate change ([29]);

S. whereas soil information in Europe is still incomplete and not harmonised; whereas this hampers the adoption of relevant decisions for soil protection both at regional and local level;

T. whereas the EU's responsibility for soil protection does not stop at its borders as demand for areas to settle, grow food and produce biomass is rising around the world, and climate change is likely to impact negatively on land demand, availability and degradation; whereas the EU contributes to land degradation in third countries, as a net 'importer' of land, embedded into imported products;

U. whereas land degradation exacerbates the impacts of natural disasters and contributes to social problems;

V. whereas large parts of southern Europe are likely to become desertified by 2050 as a result of climate change and inappropriate agricultural and agronomic practices if strong action is not taken; whereas this threat is not being coherently, efficiently and effectively addressed in the EU ([30]); whereas salinisation affects 3,8 million hectares of EU land, with severe soil salinity along the coastlines, in particular in the Mediterranean;

W. whereas soil protection in Europe currently derives from the protection of other environmental resources and is partial and fragmented among many policy instruments that lack coordination and which are often non-binding, at the EU, Member State and regional level;

X. whereas voluntary national initiatives and existing national measures are important for achieving the objective of greater soil protection, but have proved to be insufficient on their own, and whereas more efforts are needed to prevent further degradation, including land take; whereas, despite having a soil thematic strategy, soil degradation has continued across the EU; whereas cross-border measures are also needed for pollution-related situations or major incidents;

([27]) https://ec.europa.eu/jrc/en/news/soil-erosion-costs-european-farmers-125-billion-year#:~:text=Soil%20erosion%20costs%20European%20countries,consequences%20do%20not%20stop%20ther

([28]) Commission Staff Working Document, *Evaluation of the 7th EAP* (SWD(2019)0181).

([29]) European Environment Agency, *The European environment — state and outlook 2020*, 2019.

([30]) Commission Staff Working Document, *Evaluation of the 7th EAP*, (SWD(2019)0181).

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Y. whereas during the period 2000-2018, 11 times more land was taken than was recultivated ([31]); whereas without binding measures to limit land take and boost restoration, recultivation and recycling, it will be impossible to achieve the objective of no net land take by 2050;

Z. whereas the lack of a comprehensive, adequate, coherent and integrated EU legal framework for protecting Europe's land and soil resources has been identified as a key gap that contributes to the continuous degradation of many soils within the Union, reduces the effectiveness of the existing incentives and measures, and limits Europe's ability to achieve its environmental, sustainable development and climate-related agenda and international commitments; whereas an earlier attempt to introduce a legal framework for soil protection in the EU was without success as it was withdrawn in May 2014 after being blocked for eight years by a minority of Member States in the Council; recalls the 'People4Soil' European Citizens' Initiative of 2016, which was supported by 500 European institutions and organisations, which called on the EU to do more to protect soil;

AA. whereas current sectoral policies, for example the common agricultural policy (CAP), do not do their fair share with regard to soil protection; whereas while the majority of cropland is under the CAP regime, on average less than a quarter ([32]) applies effective protection from soil erosion;

AB. whereas 80 % of nitrogen is wasted and lost to the environment; whereas excessive nitrogen deposition threatens air quality, water quality, climate change through nitrous oxide emissions, soil quality and biodiversity, including plant-pollinator interaction and networks, and leads to the depletion of stratospheric ozone; whereas improving nitrogen use efficiency not only supports climate, nature and health goals but could also save USD 100 billion globally every year;

AC. whereas agricultural intensification and overuse of pesticides are causing soil contamination by pesticide residues, including due to some pesticides' high soil persistence and toxicity to non-target species, and have lasting effects on soil health; whereas diffuse pollution by agrochemicals poses a threat to soil;

AD. whereas EU legislation is relatively comprehensive for water protection but addresses control of pollutants from soils from the perspective of water protection rather than wider environmental protection including that of soils themselves; whereas pollutants emitted to the atmosphere and water can have indirect effects through deposition on the ground, which can negatively affect the quality of soil;

AE. whereas scientific evidence has proved that soil and its organisms are substantially exposed to a mixture of chemicals, including persistent and bioaccumulative chemicals, pesticide residues, hydrocarbons, heavy metals and solvents and their mixtures, leading to a high risk of chronic toxicity, potentially altering biodiversity, hindering recovery, and impairing ecosystem functions; whereas approximately 3 million sites with potentially polluting activities in Europe have been identified, of which 340 000 ([33]) are expected to require remediation; whereas comprehensive information is lacking on diffuse soil pollution;

AF. whereas, according to the EEA, the absence of suitable EU soil legislation contributes to soil degradation within Europe, and whereas progress towards sustainable development in Europe and globally is not possible if land and soil resources are not properly addressed ([34]);

([31]) European Environment Agency, *The European environment — state and outlook 2020*, 2019.

([32]) Eurostat, 2014b. *European Agricultural Census 2010*. [Online] URL: http://epp.eurostat.ec.europa.eu/statisticsexplained/index.php/Agricultural census 2010 (accessed February 2014) — The European average of 19 % cropland applying winter cover crop, 21,5 % reduced tillage and 4 % no-till farming.

([33]) European Environment Agency, *Progress in management of contaminated sites*.

([34]) European Environment Agency, *The European environment — state and outlook 2020*, 2019.

AG. whereas 95 % of our food is directly or indirectly produced from our soils;

AH. whereas, according to the review of the current evidence of the state of EU soils, approximately 60-70 % of EU soils are unhealthy due to the current management practices, with a further, yet uncertain, percentage of soils being unhealthy due to poorly quantified pollution issues ([35]);

AI. whereas soil erosion by water and wind is estimated to affect 22 % of European land, and whereas more than half of agricultural land in the EU has average erosion levels higher than what can be naturally replaced (representing over one tonne of lost soil per year and per hectare) ([36]), underlining the need for use of sustainable management techniques for soils;

AJ. whereas around 25 % of irrigated agricultural land in the Mediterranean region is estimated to be affected by salt with an impact on agricultural potential; whereas the issue of salinisation is currently not addressed in existing EU legislation ([37]);

AK. whereas loss of fertile land to urban development reduces the potential to produce bio-based materials and fuels to support a low-carbon bioeconomy;

AL. whereas investing in avoiding land degradation and in restoring degraded land makes sound economic sense as the benefits generally far exceed the cost; whereas the costs of restoration are estimated to be 10 times higher than prevention costs ([38]);

AM. whereas land is mostly privately owned in the EU, which is to be respected, while at the same time soil is a common good that is needed for the production of food and delivers essential ecosystem services for the whole of society and nature; whereas it is in the public interest that land users are encouraged to take precautionary measures to prevent soil degradation and to conserve soil and manage it sustainably for future generations; whereas supporting measures and further financial incentives should therefore be considered for land owners to protect soil and land;

AN. whereas land recycling accounts for only 13 % of urban developments in the EU and whereas the EU 2050 target of no net land take is unlikely to be met unless annual rates of land take are further reduced and/or land recycling is increased ([39]);

AO. whereas soil and land degradation has inherent transboundary aspects linked for example to climate change, water quantity and quality, and pollution, which require a response at EU level, concrete action by the Member States, and multilateral cooperation with third countries; whereas soil degrading practices in one country can result in costs being borne by another Member State; whereas differences between national soil protection regimes, for example as regards soil contamination, can impose on economic operators very different obligations and distort competition on the internal market;

AP. whereas excavated soils accounted for more than 520 million tonnes of waste in 2018 ([40]) and are by far the biggest source of waste produced in the EU; whereas excavated soils are currently considered waste under EU law and are therefore disposed of in landfills; whereas a majority of those soils are not contaminated and could be safely reutilised if a recovery target coupled with a comprehensive traceability system were put in place;

([35]) Veerman, C., et al. (2020), *Caring for Soil is Caring for Life. In Interim Report for the Mission Board for Soil, Health and Food*; European Commission: Brussels, Belgium; p. 52.
([36]) Commission Staff Working Document, *Evaluation of the 7th EAP*, (SWD(2019)0181).
([37]) Commission Staff Working Document, *Evaluation of the 7th EAP*, (SWD(2019)0181).
([38]) Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *The IPBES assessment report on land degradation and restoration*, 2018.
([39]) European Environment Agency, *The European environment — state and outlook 2020*, 2019.
([40]) https://ec.europa.eu/eurostat/databrowser/view/ENV_WASGEN/bookmark/table?lang=en&bookmarkId=bbf937c1-ce8b-4b11-91b7-3bc5ef0ea042

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AQ. whereas a coherent and adequate EU soil protection policy is a prerequisite to achieve the objectives of the SDGs, the Paris Agreement and the European Green Deal, and in particular, the climate neutrality objective, the farm-to-fork strategy, the biodiversity strategy, the zero-pollution ambition, the bioeconomy strategy and other main environmental and societal challenges;

AR. whereas regularly updated, harmonised and open soil data and information are a prerequisite in order to achieve better data-driven and evidence-based policymaking to protect soil resources at EU and national level;

AS. whereas in its opinion of 5 February 2021 the European Committee of the Regions called on the Commission 'to propose a new European directive on agricultural soils to halt the decrease in their organic matter content, stop erosion and prioritise soil life in agricultural practices' ([41]);

AT. whereas food security is dependent on soil security and any practice that compromises soil health is a threat to food security; whereas healthier soils produce healthier food;

AU. whereas Articles 4 and 191 TFEU enshrine the basic principles for EU environment policy and have established shared competence in the area;

AV. whereas forest soils constitute half of the soils in the EU and biodiverse and healthy forests can contribute significantly to soil health;

1. Emphasises the importance of protecting soil and promoting healthy soils in the Union, bearing in mind that the degradation of this living ecosystem, component of biodiversity, and non-renewable resource continues, in spite of the limited and uneven action being in some Member States; stresses the costs of inaction on soil degradation, with estimates in the Union exceeding EUR 50 billion per year;

2. Underlines the multifunctional role of soil (provision of food, carbon sink, platform for human activities, biomass production, biodiversity pool, flood and drought prevention, source of raw materials, pharmaceutical and genetic resources, water and nutrient cycling, storage and filtering, storing of geological and archaeological heritage, etc.) and the resulting need to protect, sustainably manage and restore it, and preserve its capacity to fulfil its multiple roles by means of stable European-level and cross-border levels of intra-Community cooperation and with non-EU countries;

3. Considers that healthy soils are the basis for nutritious and safe food and are a prerequisite for sustainable food production;

4. Stresses that healthy soils are essential to achieve the objectives of the European Green Deal such as climate neutrality, biodiversity restoration, the zero-pollution ambition for a toxic-free environment, healthy and sustainable food systems and a resilient environment;

5. Believes that soils should have special attention in the implementation of the farm-to-fork strategy, the EU forest strategy, the biodiversity strategy for 2030 and the zero-pollution action plan for water, air and soil; calls on the Commission, therefore, to address all sources of soil pollution in the upcoming zero-pollution action plan and in the revision of the Industrial Emissions Directive;

6. Welcomes the inclusion of soil protection and restoration in the thematic priority objectives of the 8th Environment Action Programme;

7. Recognises the variability of soils in the Union and the need for targeted policy solutions and environment-specific sustainable soil management approaches to ensure their protection through joint efforts at Union and Member State level, in line with their respective competences, taking into consideration the conditions specific to the regional, local and parcel levels, the transboundary impacts of soil and land degradation, and the need to establish a level playing field for economic operators;

([41]) CDR 3137/2020.

8. Underlines the risks stemming from the absence of a level playing field between the Member States and their different protection regimes for soil to the functioning of the internal market, which should be addressed at Union level in order to prevent distortion of competition between economic operators; underlines that the new framework would address the problem of lacking legal certainty for companies and that it has strong potential to stimulate fair competition in the private sector, develop innovative solutions and know-how and strengthen the export of technologies outside the Union;

9. Stresses that soil, which is a common resource, is, unlike air or water, not covered by specific legislation; welcomes, consequently, the Commission ambition to propose a coherent and integrated EU soil protection framework;

10. Calls on the Commission to design an EU-wide common legal framework, with full respect for the subsidiarity principle, for the protection and sustainable use of soil, addressing all major soil threats, which shall include, inter alia:

(a) common definitions of soil, its functions, and criteria for its good status and sustainable use;

(b) objectives, indicators, including harmonised indicators, and a methodology for the continuous monitoring of and reporting on soil status;

(c) measurable intermediate and final targets with harmonised datasets and measures to tackle all identified threats and appropriate timelines, taking into consideration best practices learned from 'first mover' efforts and respecting land ownership rights;

(d) clarification of the responsibilities of different stakeholders;

(e) a mechanism for the sharing of best practices and training, as well as adequate control measures;

(f) adequate financial resources;

(g) effective integration with relevant policy targets and instruments;

11. Calls on the Commission to accompany its legal proposal with an in-depth impact assessment study based on scientific data, which will analyse both the costs of action and non-action in terms of immediate and long-term impacts on the environment, human health, the internal market and general sustainability;

12. Points out that the common framework shall also consist of provisions regarding the mapping of risk areas and of contaminated, brownfield and abandoned sites, as well as for the decontamination of contaminated sites; calls on the Commission and the Member States to apply the polluter pays principle and to propose a mechanism for the remediation of orphan sites; considers that the remediation of these sites could be funded by European funding mechanisms;

13. Calls on the Commission to consider proposing an open list of activities which can have significant potential to cause soil contamination, to be compiled from comprehensive lists at national level; stresses that this list should be publicly accessible and regularly updated; calls on the Commission, furthermore, to facilitate the harmonisation of risk assessment methodologies for contaminated sites;

14. Believes that past efforts by Member States to identify contaminated sites should be taken into account; underlines that the identification of contaminated sites reflected in national inventories should be updated regularly and made available for public consultation; believes, furthermore, that provisions need to be adopted in the Member States to ensure that parties to land transactions are aware of the state of the soil and able to make an informed choice;

15. Calls on the Commission to include in this common framework effective measures on prevention and/or minimisation of soil sealing and any other land use affecting soil performance, giving priority to brownfield land and soil recycling and the recycling of abandoned sites over use of unsealed soil with the aim of reaching the objective of no land degradation by 2030 and no net land take by 2050 at the latest, with an interim target for 2030, in order to achieve a circular economy, and to also include the right to effective and inclusive public participation and consultation on land use planning and to propose measures providing for construction and drainage techniques that would allow as many soil functions as possible to be preserved, where sealing occurs;

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16. Calls on the Commission to update the Guidelines on best practices to limit, mitigate or compensate soil sealing in line with the objectives of the European Green Deal;

17. Calls for the measurement of occupied and/or sealed land, and of the corresponding loss of ecosystem services and ecological connectivity; calls for these aspects to be accounted and adequately compensated for in the context of the Environmental and Strategic Impact Assessments of projects and programmes;

18. Stresses that soil protection, its circular and sustainable use and its restoration need to be integrated into and should be made consistent across all relevant EU sectoral policies in order to prevent further degradation, ensure a consistent high level of protection, and rehabilitation where possible, and avoid overlapping, incoherence, and inconsistencies between EU legislation and policies; calls on the Commission, in this regard, to review the relevant policies with a view to ensuring policy coherence with soil protection ([42]);

19. Considers that the CAP should provide conditions for safeguarding the productivity and ecosystem services of soils; encourages the Member States to introduce coherent soil protection measures in their national CAP Strategic Plans and to ensure the wide use of agronomic practices based on agroecology; invites the Commission to assess whether CAP National Strategic Plans ensure a high level of soil protection and to promote actions to regenerate degraded agricultural soils; calls for measures to promote less intensive tillage practices which cause minimum soil disturbance, organic farming, and the use of organic matter additions to soil;

20. Emphasises the important role of soils for water purification and filtration, and hence their contribution to the provision of drinking water to a large proportion of the European population; recalls that the limited links between EU water law and soil protection actions have been recognised in the recent Fitness Check of EU water policy; emphasises the need to improve the quality of soil, together with the quality and quantity of groundwater and surface water, in order to achieve the goals of the Water Framework Directive;

21. Stresses the importance of achieving a so-called 'water-smart society' to support the restoration and protection of soil, as well as of exploring the close relationship between soil health and water pollution; calls on the Commission to encourage the use of the relevant digital tools to monitor the status of water and soil and the effectiveness of policy instruments;

22. Welcomes the Commission's intention to put forward a legislative proposal for an EU nature restoration plan in 2021 and supports the fact that it should include targets on the restoration of soils; underlines that the plan should be coherent with the reviewed soil thematic strategy;

23. Reiterates its call for the revision of material recovery targets set in EU legislation for construction and demolition waste and their material-specific fractions to include a material recovery target for excavated soils in the revision of the Waste Framework Directive; calls on the Commission and the Member States to establish systematic diagnosis of the status and reuse potential of excavated soil, as well as a traceability system for excavated soils and regular checks at disposal sites in order to prevent illegal dumping of contaminated soils from industrial brownfield sites and ensure their compatibility with receiving sites;

24. Highlights that the fragmentation and loss of habitats in coastal marine ecosystems reduce their ability to protect shorelines as well as to provide sustainable livelihoods; recognises the crucial role of coastal protection in mitigating the threat from climate change in the EU and stresses the need for the Commission to include coastal protection and restoration in the new EU soil strategy and the EU nature restoration plan, together with ecosystem-based management, such as integrated coastal zone management and marine spatial planning; calls on the Commission to prioritise the restoration of coastal areas acting as natural sea defences and that have been negatively impacted by the urbanisation of coasts in regions threatened by coastal erosion and/or floods in the EU nature restoration plan;

25. Highlights that soil biodiversity is the very basis for key ecological processes and notes with concern the increase in soil degradation and soil sealing, and decline of soil biodiversity in European agricultural area; calls on the Commission, therefore, to establish a common framework for the protection and conservation of soil and the restoration of soil quality

([42]) Eurostat, 2014b. *European Agricultural Census 2010*. [Online] URL: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Agricultural_census_2010_-_main_results census 2010 (accessed February 2014) — The European average of 19 % cropland applying winter cover crop, 21,5 % reduced tillage and 4 % no-till farming.

on the basis of scientific data and economic, environmental and social impact assessments, and to develop concrete solutions to address hotspot issues in Europe with the dual purposes of biodiversity restoration and nature-based climate change mitigation and adaptation; believes that robust EU-wide monitoring of soil organisms and trends in their range and volume must be put in place and maintained; calls on the Commission and the Member States to support further research, including at different depths and horizons, as well as monitoring and beneficial farming and forestry practices to increase soil organic matter at greater depths; welcomes, in this context, the objectives within the farm-to-fork strategy and biodiversity strategy for 2030; calls for clear trajectories to be established in view of the scheduled mid-term reviews of both strategies, with respect for the different starting points of Member States;

26. Considers it of utmost importance to achieve a healthy soil microbiome;

27. Stresses that EU forests store about 2,5 times more carbon in soils than in tree biomass ([43]);

28. Stresses that clearcutting forest management practice destroys the symbiotic interdependent network of trees with fungi and that subsequent reestablishment of this web after clearcut is almost non-existent; highlights that in boreal forests this web represents the single most important mechanism of accumulation of soil organic matter and is thus crucial in the global carbon cycle ([44]); reiterates that clearcutting does not mimic natural disturbance by wildfire as unlike a clearcut site a site disturbed by wildfire is characterised by a very high amount of deadwood and soil open for colonisation of species;

29. Calls for strict enforcement of good animal husbandry standards in livestock farming so as to significantly reduce the use of veterinary medicines and their spreading on fields via manure and for strict enforcement of the Nitrates Directive;

30. Welcomes the Commission's commitment in the context of the circular economy action plan to revise Council Directive 86/278/EEC on sewage sludge; calls on the Commission to ensure that the review contributes to soil protection by increasing organic matter in soils, recycling nutrients and reducing erosion while protecting soils and groundwater from pollution;

31. Calls on the Commission to support the collection of data on compaction and promote sustainable agricultural measures aimed at reducing the use of heavy machinery;

32. Calls on the Commission to task the European Soil Data Centre with monitoring pesticide residues as well as assessing the amount of carbon stored in European soils and setting targets for soil restoration and quality improvement, including through an increase in soil organic matter, in line with IPCC recommendations and SDG requirements;

33. Believes that sustainable management of soil is a key component of farming and food policy in long term; recognises, however, the importance of legal provisions contributing to the restoration, conservation and strict protection of intact soils, focusing inter alia on soil and land use change in wetlands, peatlands, permanent grasslands and pastures;

34. Calls for the new EU soil strategy to identify and promote good and innovative farming practices that can prevent and reduce the threat of soil salinisation, or control its negative effects;

35. Encourages the Commission and the Member States to contribute effectively to reducing the overuse of synthetic fertilisers, especially nitrogen, by lowering the thresholds fixed by the Nitrates Directive; calls on the Commission to build on the UN Environment Programme resolution on sustainable nitrogen management and on the objective of the Colombo Declaration to halve nitrogen waste from all sources by 2030; calls on the Commission and the Member States to ensure sustainable nutrient management including by improving nitrogen use efficiency, the extensification of livestock farming in defined areas, mixed farming integrating livestock and cropping systems, efficient use of animal manure and greater use, in

([43]) Bruno De Vos et al., *Benchmark values for forest soil carbon stocks in Europe: Results from a large scale forest soil survey*, Geoderma, Volumes 251–252, August 2015, pp 33-46.

([44]) K. E. Clemmensen et al., *Roots and Associated Fungi Drive Long-Term Carbon Sequestration in Boreal Forest*, Science 339, 1615, 2013.

rotation, of nitrogen-fixing crops such as legumes in all relevant legislation; calls on the Commission to pay greater attention to nitrous oxide emissions in global greenhouse gas accounting, and to make more integrated efforts to tackle nitrogen excess as a climate, nature and health issue, as well as offering incentives for better nitrogen management at farm level;

36. Calls for a revision of Directive 2004/35/EC on environmental liability to strengthen its provisions with regard to contaminated sites;

37. Calls on the Commission to ensure coherence between the new soil strategy and the upcoming EU forest strategy by including sustainable soil management requirements, such as agroforestry practices, in the forest strategy;

38. Calls on the Commission to review the soil thematic strategy and to adopt the action plan entitled 'Towards a zero pollution ambition for air, water and soil — building a healthier planet for healthier people' without delay; welcomes in this regard the intention of the Commission to increase legal certainty for companies and citizens by setting clear objectives, measurable targets and a plan of action;

39. Stresses that agroforestry practices can actively provide environmental benefits and synergies such as acting against erosion, improving biodiversity, storing carbon and regulating water;

40. Calls on the Commission to tackle diffuse contamination deriving from farming activities, in line with the targets of the farm-to-fork strategy; welcomes in this regard the Commission's announcement of the revision of the Directive on the Sustainable Use of Pesticides; recalls that many alternatives to synthetic pesticides already exist, such as integrated pest management (IPM), and that their use should be scaled up; expects the Commission and Member States to address all its calls within the resolution of 16 January 2019 on the Union's authorisation procedure for pesticides, without delay;

41. Regrets that the EU authorisation process for chemicals, including environmental risk assessment and ecotoxicological studies, does not take due account of their impacts on soils; calls on the Commission, therefore, in the new EU soil strategy and in coherence with the chemicals strategy on sustainability, to adopt regulatory measures to prevent and mitigate the pollution of soil by chemicals, in particular persistent and bioaccumulative chemicals (including plastics and microplastics), and to ensure that ecologically relevant test conditions representative of field conditions are met;

42. Calls on the Commission to support research to bridge the knowledge gaps about the potential of soil biodiversity for tackling soil pollution and the impacts of pollution on soil biodiversity, and to close the legislative gaps regarding the toxicity of biocides and veterinary products to soil and its organisms, without delay; calls on the Commission and the Member States to support the work of the responsible agencies to ensure development and promotion of alternatives to the most toxic biocides in veterinary pest management; calls for the Commission in collaboration with the European Chemicals Agency to develop European limits on soil pollution from per- and polyfluoroalkyl substance (PFAS)s, based on the precautionary principle;

43. Regrets that the Fitness Check of EU water legislation does not discuss opportunities for wider integrated environmental management in catchments, linking river basin management plans with wider soil protection plans; is of the opinion that such integrated analysis and decision-making would benefit several different objectives of EU policy as well as potentially leading to gains at local governance levels;

44. Calls on the Member States to better integrate water and soil planning, with combined assessments of pressures and risks (including within river basin management plans) and the adoption of an integrated approach to measures that deliver protection to both of these environmental media;

45. Agrees with the EEA that harmonised, representative soil monitoring across Europe is needed in order to develop early warnings of exceedances of critical thresholds and to guide sustainable soil management ([45]); calls on the Member States and the Commission to improve and speed up the collection and the integration of data on soil status and trends, and threats to soil at EU level; welcomes in this regard the establishment of the EU Soil Observatory, which builds on LUCAS

([45]) European Environment Agency, *The European environment — state and outlook 2020*, 2019.

Soil; calls on the Commission to ensure long-term operability for both instruments, as well as sufficient resources for optimal and regular monitoring of soil biological attributes and physio-chemical properties, including the presence of agro-chemicals and other contaminants, such as contaminants of emerging concern; believes this is fundamental to filling the gap on data and indicators and for supporting the European Green Deal; underlines the need to better understand the processes leading to land degradation and desertification in the EU; calls on the Commission to establish a methodology and relevant indicators to assess and collect data on the extent of desertification and land degradation in the EU;

46. Notes that 13 Member States have declared themselves as affected Parties under the United Nations Convention to Combat Desertification (UNCCD); calls on the Commission to incorporate into EU policies the SDGs regarding soil;

47. Notes the challenges of a governance, coordination, communication, financial, technical and legal nature that hinder the improvement of the consistency and interoperability of EU-level and national soil monitoring and collection of information; urges the Commission and the Member States to tackle those challenges jointly and to accelerate cooperation, including within the EU Expert Group on Soil Protection, with a view to ensuring a high level of soil protection, and avoiding duplications and unnecessary bureaucratic burdens and costs for the Member States and SMEs;

48. Calls on the Commission and the Member States to improve and speed up efforts to fully exploit the value in water, in particular to achieve the full reuse of nutrients and valuable components found in wastewater in order to improve circularity in agriculture and avoid excessive discharge of nutrients into the environment;

49. Calls on the Commission to facilitate an annual conference with the participation of Member States and relevant stakeholders, giving them a critical role through issue-based dialogues;

50. Acknowledges the important role of healthy soil, as the largest terrestrial carbon sink, in capturing and storing carbon, particularly in combination with the co-benefits of wetlands, and nature-based solutions, which must facilitate the achievement of the 2030 climate targets as well as the Union's objective of climate neutrality by 2050 at the latest; stresses that the new soil strategy should ensure that the contribution of soils to climate mitigation and adaptation is coherent with the rest of the EU climate policy architecture; calls on the Member States, therefore, to strengthen the restoration and sustainable use of soil as a tool for climate policy in their national energy and climate plans (NECPs) and in particular in measures applying to the agricultural and land use, land-use change and forestry (LULUCF) sectors, and to preserve, restore and enhance carbon sinks (especially in areas with carbon-rich soils, such as grasslands and peatlands), in addition to taking action seeking to promote the sustainable use of soil in agricultural policy and to reduce agricultural emissions; believes that measures to increase carbon sequestration in soils should be supported; welcomes, particularly, the Commission's announcement of a carbon farming initiative and encourages the Commission to explore several options;

51. Believes that unsustainable practices leading to soil organic carbon losses and contributing to climate change must be prevented; regrets that estimates related to carbon content are limited to upper soil horizons and calls on the Member States and the Commission to generate relevant carbon content data in lower soil layers, which would improve the understanding of overall soil potential for carbon content retention and increase;

52. Calls on the Commission to set, in the upcoming revision of the LULUCF regulation, a target date for all agricultural soils to be net carbon sinks, in line with the EU's 2050 climate neutrality objectives;

53. Emphasises that carbon farming can bring multiple benefits: climate change mitigation, improved soil production capacity and resilience, increased biodiversity and reduced run-off of nutrients; calls for the enhancing of capacity building, networking and knowledge transfer to speed up carbon sequestration and increase the amount of carbon stored in soil, and thus to provide solutions to the climate challenge;

54. Stresses that unsustainable land use releases soil carbon into the atmosphere after centuries or millennia of having been part of the soil ecosystem;

55. Calls on the Commission and the Member States to ensure that the multifunctional role of soil is adequately addressed in research, to scale up soil-specific research innovation and funding and to adjust relevant existing funding programmes to facilitate such research projects, in order to reflect the specific characteristics of soil in related research; welcomes in this regard the launch of the Horizon Europe mission for soil health and food; calls for a strengthened role for the EU Soil Observatory and European Soil Data Centre and for the allocation of adequate funding to fulfil their mission and achieve the objectives of the new soil strategy; calls, furthermore, on the Commission and Member States to build taxonomic expertise of soil biodiversity and knowledge on the consequences of soil conditions for ecosystem interactions; underlines the interdependence between soils and water and calls for dedicated support for research on the positive role that healthy soils play in further reducing diffuse pollution into water;

56. Calls on the Commission and the Member States to provide sufficient financial support and incentives to promote soil protection, its sustainable management, conservation and restoration, and innovation and research via the common agricultural policy, cohesion policy, Horizon Europe and other available financial instruments; encourages the Commission and the Member States to identify areas subject to erosion and of low organic carbon and areas subject to compaction which could benefit from targeted funding;

57. Calls on the Commission and the Member States to ensure adequate levels of human resources and the financial sustainability of agencies involved in work related to the soil thematic strategy; highlights that a sufficient level of qualified staff is a precondition for the successful implementation of Union policies; calls on the Commission, therefore, to secure adequate staffing levels, particularly for the Directorate-General for Environment;

58. Calls on the Commission and the Member States to introduce measures for harmonised and integrated data collection, a comprehensive monitoring system, and the exchange of information and best practices on soil protection, its sustainable management and restoration across the Union, as well as maximising the synergies between existing monitoring systems and CAP tools;

59. Considers that these measures should be the baseline conditions for eligibility for Union or national funding;

60. Considers that Member States should draw up and publish soil condition reports at regular intervals of no longer than five years; considers that all soil data collected should be made publically available online;

61. Supports initiatives aiming to improve public awareness and understanding of the positive impact of soil functions and protection, including those linked to sustainable soil management, protection and restoration, public health and environmental sustainability; stresses that public awareness and understanding of soil functions is key to the success of the new soil strategy and to ensuring the participation of citizens, first and foremost of landowners, farmers, and foresters, as primary actors of soil management; calls for greater engagement with the general public on soil health and the environmental emergency and for support for community initiatives for the protection and sustainable use of soil; expresses its support for World Soils Day and urges further action to raise awareness in this regard;

62. Stresses that environmental risks covered in the upcoming mandatory human-rights and environmental due diligence legislation should include soil degradation based on the objectives and targets of the new EU soil strategy;

63. Calls on the Commission, as a global leader in the field of environment, to include in the new EU soil strategy the protection and sustainable use of soil in all relevant aspects of its external policy, and in particular fully to take into account this aspect when concluding relevant international agreements and when reviewing existing ones;

64. Calls on the Commission to include soil protection in the trade and sustainable development chapters of trade agreements, taking measures to address imported soil degradation from these countries, including degradation caused by biofuels with highly negative environmental impacts, and to refrain from exporting soil degradation; calls on the Commission to ensure that products imported from third countries to the EU comply with the same environmental and sustainable land use standards;

65. Understands the importance of cooperation at all levels to effectively address all soil threats; calls on the Member States, therefore, to lead by example and to consider initiating a soil convention within the UN;

66. Expresses its support for 'Caring for Soil is Caring for Life', the Horizon mission proposed by the Soil Health and Food Mission Board, with its goal of ensuring that 75 % of soils are healthy by 2030 for healthy food, people, nature and climate;

67. Recommends the development of new green forestry and agroforestry areas, especially in urban regions, to counterbalance the negative impacts of the current high level of soil sealing in European cities;

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

Thursday 29 April 2021

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Digital taxation: OECD negotiations, tax residency of digital companies and a possible European Digital Tax

European Parliament resolution of 29 April 2021 on digital taxation: OECD negotiations, tax residency of digital companies and a possible European Digital Tax (2021/2010(INI))

(2021/C 506/08)

The European Parliament,

— having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union,

— having regard to the European Council conclusions of 1-2 October 2020 ([1]) and of 21 July 2020 ([2]),

— having regard to the Ecofin Council conclusions of 27 November 2020 ([3]),

— having regard to the Commission proposals pending for adoption, in particular on the Common Corporate Tax Base (CCTB), the Common Consolidated Corporate Tax Base (CCCTB) ([4]), and the digital taxation package ([5]), as well as Parliament's positions on these proposals,

— having regard to the Commission communication of 15 January 2019 entitled 'Towards a more efficient and democratic decision making in EU tax policy' (COM(2019)0008),

— 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 15 July 2020 on an Action Plan for Fair and Simple Taxation supporting the recovery strategy (COM(2020)0312),

— having regard to its resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect ([6]), proposed by its Special Committee on Tax Rulings and Other Measures Similar in Nature or Effect (TAXE Committee),

— having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect ([7]), proposed by its second Special Committee on Tax Rulings and Other Measures Similar in Nature or Effect (TAXE2 Committee),

— having regard to its recommendation of 13 December 2017 to the Council and the Commission following the inquiry into money laundering, tax avoidance and tax evasion conducted by its Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance and tax evasion (PANA Committee) ([8]),

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([1]) https://www.consilium.europa.eu/media/45910/021020-euco-final-conclusions.pdf
([2]) https://www.consilium.europa.eu/media/45109/210720-euco-final-conclusions-en.pdf
([3]) https://data.consilium.europa.eu/doc/document/ST-13350-2020-INIT/en/pdf
([4]) Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 and of 25 October 2016 on a Common Consolidated Corporate Tax Base (CCCTB) (COM(2016)0683).
([5]) The package consists of the Commission communication of 21 March 2018 entitled 'Time to establish a modern, fair and efficient taxation standard for the digital economy' (COM(2018)0146), the proposal of 21 March 2018 for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147), the proposal of 21 March 2018 for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148) and the Commission recommendation of 21 March 2018 relating to the corporate taxation of a significant digital presence (C(2018)1650).
([6]) OJ C 366, 27.10.2017, p. 51.
([7]) OJ C 101, 16.3.2018, p. 79.
([8]) OJ C 369, 11.10.2018, p. 123.

— having regard to its resolution of 26 March 2019 on financial crimes, tax evasion and tax avoidance ([9]), proposed by its Special Committee on financial crimes, tax evasion and tax avoidance (TAX3),

— having regard to the Commission's follow-up to each of the above-mentioned Parliament resolutions ([10]),

— having regard to its study entitled 'Impact of Digitalisation on International Tax Matters: Challenges and Remedies' ([11]),

— having regard to the G20/OECD Inclusive Framework (IF) on the Base Erosion and Profit Shifting (BEPS) Action Plan of October 2015, and in particular Action 1 thereof regarding the Tax Challenges Arising from Digitalisation,

— having regard to the G20/OECD IF interim report entitled 'Tax Challenges Arising from Digitalisation' adopted in 2018, and its Programme of Work to Develop a Consensus Solution to the Tax Challenges Arising from the Digitalisation of the Economy adopted in May 2019,

— having regard to the Cover Statement and the Reports on the Pillar One and Pillar Two Blueprints adopted by the G20/OECD IF in October 2020, as well as the results of an economic analysis and impact assessment carried out by the OECD Secretariat attached thereto,

— having regard to the outcomes of the various G7, G8 and G20 summits held on international tax issues,

— having regard for the ongoing work of the United Nations Committee of Experts on International Cooperation in Tax Matters on the tax challenges related to the digitalisation of the economy,

— having regard to the Commission Inception impact assessment on a Digital Levy of 14 January 2021 (Ares(2021) 312667),

— having regard to its resolution of 18 December 2019 entitled 'Fair Taxation in a Digitalised and Globalised Economy: BEPS 2.0' ([12]),

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the opinion of the Committee on Budgets,

— having regard to the report of the Committee on Economic and Monetary Affairs (A9-0103/2021),

A. whereas current international corporate tax rules are based on principles which were developed in the early 20th century and are no longer suited to an increasingly globalised and digitalised economy, thus enabling numerous harmful tax practices that undermine public finances and fair competition;

B. whereas the proportionality and practicability of these international tax rules are now the subject of a review in the context of the OECD negotiations with a view to ensuring the competitiveness of European companies in an increasingly globalised and digitalised economy;

C. whereas the digitalising economy has exacerbated existing problems caused by the over-reliance of multinational companies on intangibles such as intellectual property;

([9]) OJ C 108, 26.3.2021, p. 8.

([10]) The joint follow-up of 16 March 2016 on bringing transparency, coordination and convergence to corporate tax policies in the Union and TAXE resolutions, the follow-up of 16 November 2016 to the TAXE2 resolution, the follow-up of April 2018 to the PANA recommendation, and the follow-up of 27 August 2019 to the TAX3 resolution.

([11]) Hadzhieva, E., 'Impact of Digitalisation on International Tax Matters: Challenges and Remedies', European Parliament, Directorate-General for Internal Policies, Policy Department A — Economic, Scientific and Quality of Life Policies, February 2019.

([12]) Texts adopted, P9_TA(2019)0102.

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D. whereas following the 2008-2009 financial crisis and a series of revelations of tax evasion practices, aggressive tax planning, tax avoidance and money laundering, the G20 countries agreed to address these issues globally at OECD level through the Base Erosion and Profit Shifting (BEPS) project, leading to the BEPS Action Plan;

E. whereas the BEPS Action Plan managed to establish a global consensus on many issues in order to fight tax evasion, aggressive tax planning and tax avoidance; whereas, however, there was no agreement on addressing the tax challenges arising from the digitalisation of the economy, which led to the adoption of the separate BEPS Action 1 — 2015 Final Report;

F. whereas Parliament has repeatedly called for a reform of the international corporate tax system with a view to tackling tax evasion, tax avoidance and the challenges of taxing the digital economy;

G. whereas the Commission put forward two proposals on the taxation of the digital economy in 2018, including a temporary short-term solution introducing a digital services tax (DST), and a long-term solution defining a significant digital presence (SDP) as a nexus for corporate taxation which should replace the DST; whereas the Commission put forward a proposal on 25 October 2016 for a Council Directive on a common consolidated corporate tax base (CCCTB) (COM(2016)0683); whereas Parliament supported all these proposals, but they were not adopted in the Council, which forced some Member States to introduce a DST unilaterally;

H. whereas the introduction of uncoordinated and separate DSTs by Member States, with different taxation rules and criteria, increases fragmentation within the single market, creates more tax uncertainty and is less efficient when compared with a common solution at European level;

I. whereas measures taken unilaterally by the Member States risk increasing international trade disputes, which can affect both digital and non-digital businesses within the single market;

J. whereas, in accordance with a mandate given by G20 Finance Ministers in March 2017 and following the adoption of a Programme of Work (PoW) in May 2019, the OECD/G20 Inclusive Framework on BEPS (IF), through its Task Force on the Digital Economy, has been working on a consensus-based global solution based on two pillars: Pillar One on the allocation of taxing rights through new profit allocation and nexus rules and Pillar Two on addressing the remaining BEPS issues and introducing measures to ensure a minimum level of tax;

K. whereas on 12 October 2020, the G20/OECD IF published a package consisting of a cover statement and reports on the Pillar One and Pillar Two Blueprints, which reflects convergent views on a number of policy features, principles and parameters in both Pillars, while identifying remaining political and technical issues to be addressed;

L. whereas the profits of leading multinational companies in the digital sphere have significantly increased over recent years; whereas the lockdowns in response to the COVID-19 pandemic have further accelerated this trend of the transition to an economy based on digital services, putting physical businesses, and especially small and medium-sized enterprises (SMEs), at a further disadvantage; whereas there is an urgent need to act swiftly, taking into account the aim of the G20/OECD IF to conclude its negotiations in July 2021 as a good first step towards a more equitable distribution of tax burdens;

M. whereas adequate international tax laws are key to preventing tax evasion and tax avoidance practices, and to designing a fair and efficient taxation system that addresses inequality and ensures certainty and stability, which are prerequisites for competitiveness, as well as for a level playing field between companies, especially for SMEs;

N. whereas the digitalisation of the economy has enabled small companies across the board and from different sectors to become more competitive and to reach out to new clients; whereas smaller start-ups and scale-up businesses should remain unburdened by EU measures for digital taxation;

O. whereas digital businesses rely heavily on intangible assets to create content, particularly through the use and monetisation of user data, and this creation of value is not captured by current tax systems; whereas this phenomena misaligns the place of value creation with the place of taxation;

P. whereas the lack of an international agreement or EU regulation on digital taxation is an obstacle to a more competitive and growth-friendly business environment within the digital single market;

Q. whereas the severe economic crisis that the Union is facing requires modern tax policies that allow Member States to collect, in a more efficient and effective way, taxes due for activities pursued within the single market;

R. whereas Member States should closely collaborate and take a united, strong and ambitious position in international tax negotiations;

S. whereas the Council conclusions of 27 November 2020 state that the European Council will 'assess the situation regarding the work on the important issue of digital taxation' in March 2021;

T. whereas G20 finance ministers met on 7-8 April 2021 and will meet on 9-10 July 2021 and take stock of both pillars of the negotiations on the Inclusive Framework;

Addressing challenges arising from the digitalisation of the economy

1. Notes that the current international tax rules date back to the early 20th century, and that taxing rights are mainly based on the physical presence of companies; points out that digitalisation and a heavy reliance on intangible assets have greatly increased the ability of companies to engage in significant business activities in a jurisdiction without physical presence there, and therefore taxes paid in one jurisdiction no longer reflect the value and profits created there, which can lead to base erosion and profit shifting;

2. Calls for new and fairer allocation of taxing rights for highly digitalised multinationals and a revision of the traditional concept of permanent establishment, as it fails to cover the digitalised economy; recalls Parliament's position on the C(C)CTB to create a virtual permanent establishment, bearing in mind where value is captured and on the basis of value and profits generated by users; stresses that users of online platforms and consumers of digital services are now central elements in value creation by highly digitalised businesses, and that they cannot be shifted outside a jurisdiction in the same way as capital and labour, and should therefore be taken into account when defining a new tax nexus to provide an effective remedy against aggressive tax planning and tax avoidance;

3. Shares the concern that a narrow definition of the problems at stake would result in targeted rules being designed only for certain businesses; points out that transfer prices, the definition of permanent establishment and taxation gaps resulting from various overly complex tax systems must be reviewed, in particular with regard to double taxation agreements;

4. Stresses that new solutions to taxing the digital economy should preferably tax profits, not revenues;

5. Takes note of the significant evolution of our economies that has been caused by digitalisation and globalisation; takes note of the positive effects of digitalisation on our society and our economies as well as the great potential of digitalisation for tax administration, serving as a tool to deliver better service to citizens, increase public trust in the tax authorities and improve competitiveness; regrets the shortcomings of the international tax system, which is not always suited to properly addressing the challenges of globalisation and digitalisation; calls for an agreement aiming for a fair and effective tax system, while respecting national sovereignty in the field of taxation;

6. Calls for a reform of the tax system to fight tax fraud and tax avoidance; stresses that the Union and its Member States should take the lead in responding to these shortcomings;

7. Highlights the need to tax multinational corporations on the basis of a fair and effective formula for the allocation of taxing rights between countries; recalls the Commission's proposal on a common consolidated corporate tax base (CCCTB);

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8. Highlights the need to address the under-taxation of the digitalised economy; stresses the need to take into account the inherent mobility of highly digitalised multinationals, in particular with a view to value creation, and to ensure a fair distribution of taxing rights among all countries where they pursue economic activity and value creation, including R&D; notes that some existing double taxation agreements can prevent the fair allocation of taxing right and calls for them to be updated; highlights the special situation of small peripheral Member States;

9. Takes the view that further studies on the overall tax burden of different business models are needed; regrets that tax avoidance is not only detrimental to the collection of public revenues, which hampers public services and shifts the tax burden towards the average citizen, thus creating more inequalities, but also has a distorting effect on markets by putting businesses, particularly SMEs, at a disadvantage, and creating barriers for new local entrants; highlights the need to consider potential SME entry barriers in order to avoid creating a digital sector with only a few big actors;

10. Recalls that, on average, digital businesses face an effective tax rate of only 9,5 %, as opposed to 23,2 % for traditional business models;

11. Highlights that, in the meantime, the demand for digitalised services has exploded due to the obligation to operate many tasks remotely in the COVID-19 context; observes, therefore, that providers of such digitalised services have been placed in a more favourable position than traditional businesses, especially SMEs;

12. Highlights that the OECD/G20 BEPS Action 1 — 2015 Final Report concludes that the digital economy is increasingly becoming the economy itself; recognises the rapid digitalisation of most economic sectors and the need for a future-proof tax system that does not ring-fence the digital economy, but ensures a fair distribution of revenues across the different countries where value is created;

13. Notes the importance of distinguishing the role of both taxation and regulation, and that future digital tax policies should not be formulated to correct deficiencies in the digital economy, such as rents from monopoly power over information, where regulatory measures would be more appropriate instead;

A global multilateral agreement: the preferred but not the only way forward

14. Calls for an international agreement aiming for a fair and effective tax system; welcomes the efforts in the G20/OECD IF to reach a global consensus on a multilateral reform of the international tax system to address the challenges of continued profit shifting and the digitalised economy; regrets, however, the fact that the deadline for an agreement, fixed for the end of 2020, was missed; acknowledges the progress of discussions on the proposals at technical level, despite the delays caused by the COVID-19 pandemic, and calls for a swift agreement by mid-2021 in an inclusive negotiating process; calls on the Member States to also actively engage on tax issues in other international forums such as the UN;

15. Takes note of the fact that the two pillar approach suggested in the G20/OECD IF does not ring-fence the digitalised economy but seeks a comprehensive solution to the new challenges that it poses; takes note of divergent views among the members of the Inclusive Framework; believes, however, that both pillars should be seen as complementary and should be adopted by mid-2021;

16. Highlights that Pillar Two aims at addressing remaining BEPS challenges, notably by ensuring that large multinationals, including digitalised ones, pay a minimum effective corporate tax rate regardless of where they are located; welcomes the new momentum in G20/OECD IF negotiations created by the US administration's recent proposals on a 'strong incentive for nations to join a global agreement that implements minimum tax rules worldwide'; notes that such proposals include an increase of the minimum tax on global intangible low-taxed income (GILTI) to 21 % and a SHIELD (Stopping Harmful Inversions and Ending Low-tax Developments) rate that would be equivalent to the GILTI rate in the event that no global agreement is reached on Pillar II ([13]); considers that any minimum effective rate should be set at a fair and sufficient level to discourage profit shifting and prevent damaging tax competition;

([13]) The Made In America Tax Plan, 2021, US Department of the Treasury, p. 12.

17. Calls on the Commission and the Council to make sure that the future compromises of the G20/OECD IF negotiations take into account the EU's interests and avoid adding more complexity and any supplementary red tape for SMEs and citizens;

18. Welcomes the efforts of the OECD's secretariat in finding a solution to the question of how to adapt our current international tax rules to a globalised and digitalised economy; welcomes the proposal under Pillar I of a new tax nexus and new taxing rights which would create the possibility to tax multinational enterprises (MNEs) in market jurisdictions, even where they have no physical presence, based on their economic activity; underlines that interaction with users and consumers significantly contributes to value creation in highly digitalised business models, and should therefore be taken into account when allocating taxing rights; notes that some policy options remain to be determined at global level;

19. Acknowledges that the so-called 'Amount A' would create a new taxing right for market jurisdictions; stresses that the scope of these new taxing rights should cover all large MNEs which could engage in BEPS practices, and at least automated digital services and consumer-facing businesses, while not placing further and unnecessary burdens on SMEs and avoiding making services more expensive for consumers;

20. Invites the Member States to support an agreement to ensure that sufficient amounts of profits are reallocated to market jurisdictions, that should go beyond the distinction between routine and non-routine profits, which could lead to purely artificial distinctions;

21. Is concerned that an overly complex system could actually add opportunities to circumvent the newly agreed rules and calls on the OECD and negotiating Member States to work towards a simple and workable solution; calls for the consideration of findings related to the administrative impact of the OECD/G20 BEPS Action Plan;

22. Recommends that policy options defended by Member States in the negotiations should reduce complexity; supports, therefore, simplified administrative processes for MNEs subject to the new taxing rights, also with a view to lightening the burden of implementation for Member States, taking into account Member States not involved in tax arrangements that distort competition, such as so-called 'sweetheart deals'; believes that a reform of the arm's length principle (ALP) would be appropriate;

23. Calls on the Commission and the Council to intensify the dialogue with the new US administration on digital tax policy with the aim of finding a common approach in the framework of the G20/OECD IF negotiations before June 2021; welcomes the recent declaration of the new US administration that it will re-engage actively in OECD negotiations with a view to achieving an agreement and abandon the 'safe harbour' concept; calls on the Commission to assess carefully the implications of the new proposed adjustments made by the US to Pillar I; calls on the Member States to oppose the 'safe harbour' clause, which risks seriously undermining reform efforts; calls on the Commission to pursue a proposal of its own for addressing the challenges of a digitalised economy should a 'safe harbour' clause be included in Pillar One of the reform; recalls, in that regard, the Commission's long-term proposal centred on a significant digital presence;

24. Takes notes of the proposal of a dispute prevention and resolution mechanism in order to avoid double taxation and increase acceptance of the new rules; highlights the important role of the latter mechanism, especially for the transitional period until the new international tax regime is in place; underlines, however, that tax certainty is best achieved by establishing simple, clear and harmonised rules that prevent disputes in the first place; highlights that any dispute prevention and resolution mechanism should not put developing countries at a disadvantage;

25. Understands that with an international agreement, damaging trade disputes and retaliations that have potentially negative effects for other economic sectors should be avoided;

26. Calls on the Commission to complete its own impact assessment on the effects of Pillars One and Two on revenue collection for the Member States and to inform the Council and Parliament about its findings; calls on the Commission, on this basis of this impact assessment, to advise and guide Member States to take positions in the negotiations that defend the EU's interests;

27. Calls on each Member State and the Commission to coordinate their positions in order to speak with a single voice;

A call for immediate EU action

28. Regrets that the failure of the G20/OECD IF to find a solution in October 2020 has prolonged the under-taxation of the digitalised economy; stresses that the COVID-19 pandemic has largely benefited digitalised businesses, mostly those that were able to scale up their operations, while many other businesses, notably SMEs, have suffered, and that it has accelerated the transition to a digitalised economy, thereby further emphasising the need to find multilateral solutions to reform the current tax system in order to ensure that the digitalised economy makes a fair contribution;

29. Highlights that governments need to collect unprecedented resources in order to recover from the COVID-19 crisis and that the mobilisation of revenues from under-taxed sectors can contribute to financing the recovery;

30. Considers that tax challenges stemming from the digitalised economy are a global issue and that an agreement at the level of the G20/OECD states is urgently needed to make international coordination possible; considers that an ambitious and harmonised international solution is preferable to a patchwork of national or regional digital taxes bearing potential risks, and is significantly more likely to find unanimous support in the Council;

31. Insists, therefore, that regardless of the progress of the negotiations in the G20/OECD IF, the EU should have a fall-back position and stand ready to roll out its own proposal for taxing the digital economy by the end of 2021, especially as the OECD proposals apply only to a small group of companies and may not be sufficient; calls on the Commission to respect the interinstitutional agreement of 16 December 2020 on cooperation in budgetary matters by presenting its proposals for a digital levy by June 2021, while anticipating their compatibility with the reform by the G20/OECD IF, if there is an agreement on it; recommends that the Commission come up with a road map taking into account different scenarios, in particular with and without agreement at OECD level by mid-2021;

32. Invites the Commission to consider in particular introducing a temporary EU digital services tax as a necessary first step; stresses that if an international agreement is reached under the OECD/G20 IF, these European solutions should be adapted accordingly; recalls that an EU DST can only be envisaged as a temporary first step;

33. Calls for the EU to implement the future outcome agreement of the international negotiations in a harmonised way and invites the Commission to issue a proposal to that effect;

34. Points out that failure of the OECD negotiations would lead to further fragmentation in relation to digital taxes, which might also be harmful for European companies that aim to expand their business models into other markets; recalls the importance of reaching an agreement at OECD level in order to avoid potential trade wars; highlights that despite taxation being a Member State competence, strong coordination is needed;

35. Emphasises that EU digital companies that are headquartered in an EU Member State and are subject to EU corporate taxes are at a disadvantage compared to foreign companies that have no 'physical presence' in any Member State, and can therefore avoid paying corporate taxes in the EU even if they operate with European users; stresses the need to create a level playing field for providers of traditional services and automated digitalised services, as well as consumer-facing businesses in the EU, by ensuring that the latter are taxed where they make profits and at a fair rate;

36. Stresses that any EU DST must avoid generating unnecessary increases in compliance costs, and must provide clear definitions and transparent provisions that are simple to abide by and enforce, and promote legal and regulatory certainty;

37. Calls for the adoption of proportionate rules to avoid undermining SMEs, start-ups and companies that are engaged in the process of digitalising their businesses; stresses that tax policy can be one of the tools to support the competitiveness of the single market in this regard; stresses that a growth-friendly tax policy aiming at strengthening the international competitiveness of the single market is needed;

38. Emphasises the need to review existing double taxation rules to ensure that all profit that leaves the EU is taxed;

39. Notes that some Member States consider the taxation of large highly digitalised businesses an urgent issue and have therefore introduced digital services taxes at national level; notes that these national digital taxes have an impact on international trade and negotiations; points out, however, that introducing national solutions unilaterally can create a risk of fragmentation and tax uncertainty within the single market; underlines that the multiplication of national measures makes the introduction of a coordinated European solution all the more pressing; recalls that these national measures should be phased out if an effective multilateral solution is found;

40. Recalls that although taxation is primarily a Member State competence, governments must, to the greatest extent possible, exercise it in a manner that is in keeping with the common principles of EU law in order to ensure coherence between national frameworks, thereby allowing for fair competition and avoiding negative impacts on the overall coherence of EU taxation principles;

41. Notes that the Council did not agree on any of the Commission's related proposals, i.e. the digital services tax, the significant digital presence or the CCTB and CCCTB; calls on the Member States to reconsider their positions on these proposals in case the OECD negotiations fail, especially in the light of the unprecedented circumstances of the COVID-19 crisis, or to consider integrating them into a potential future implementation of OECD agreements, and to consider all options provided for by the Treaties if no unanimous agreement can be reached;

42. Calls on the Member States to relaunch a high-level political dialogue within the Council, to prepare the ground for a decision regarding digital taxation within the single market, regardless of the outcome of international negotiations; invites the Council to progress on legislative files already adopted by Parliament in order to adhere to the principle of sincere cooperation among EU institutions;

43. Welcomes the Commission inception impact assessment of 14 January 2021 on a digital levy; notes that digitalisation can increase productivity and consumer welfare, but that it is also of paramount importance to ensure that large, highly digitalised businesses contribute their fair share to society; calls on the Commission to carefully assess how the scope, definition and segmentation of digital activities, transactions, services or companies will be in line with international efforts to find a global solution;

44. Acknowledges the three tax policy options mentioned in the inception impact assessment, including:

(a) a corporate income tax top-up (CIT) that would be compatible with international negotiations and bilateral tax agreements,

(b) a tax based on revenues in the absence of an effective internationally agreed solution, points however out that a digital tax should preferably tax profits,

(c) a tax on digital transactions conducted business-to-business in the EU and perceives the risk of shifting the burden of the tax payment from large digitalised businesses to smaller companies relying on those services;

45. Asks for a detailed assessment of the impacts that each option would have both on the EU's digital agenda and the single market, as well as any possible trade disputes and retaliations from other economic actors and possible spill-over effects into other economic sectors;

46. Calls for a stronger role for Parliament in legislative procedures in the area of taxation; calls on the Commission to explore all possibilities offered by the Treaties; takes note, in this respect, of the Commission's proposed roadmap to qualified majority voting in its communication of 15 January 2019 entitled 'Towards a more efficient and democratic decision making in EU tax policy';

A digital levy as a new EU own resource

47. Welcomes the Interinstitutional Agreement of 16 December 2020 (IIA) between Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources ([14]), in compliance with the

([14]) OJ L 433 I, 22.12.2020, p. 28.

principle of universality, and recalls the Commission's legally binding commitment to present a legislative proposal concerning an EU digital levy as an own resource by June 2021; stresses the legally binding commitment of Parliament, the Council and the Commission to follow, without delay, the steps set out in the roadmap, with a view to introducing it at the latest by 1 January 2023;

48. Recalls that Parliament has restated its commitment to the introduction of an EU digital levy as an own resource with large majorities in a series of reports and resolutions ([15]);

49. Stresses that the IIA, including the roadmap towards the introduction of new own resources, binds the Council, Parliament and the Commission to irreversibly move forward with an EU digital levy that will enter the long-term EU budget in its entirety as an own resource and a long-term stable source of income; underlines that, irrespective of whether the ground rules are determined at OECD or EU level, revenues generated by digital taxation in the Member States can and must become an own resource; considers that the same approach should also be followed for any other revenues generated by any agreement at OECD level;

50. Considers that the revenues of the EU digital levy would be intrinsically linked to the open borders of the single market and the 'digital union' and would therefore constitute a highly suitable and genuine basis for an EU own resource; stresses that dedicating this new stream of public income to the EU budget would help resolve several problematic issues linked to fiscal equivalence and fiscal coherence;

51. Calls for a tax design and implementation rules that aim to minimise the risks of any economic incidence being rolled over on EU citizens and consumers; is convinced that turning the proceeds of the digital tax into an own resource for the EU budget would help in dispersing and re-distributing such costs in an equitable manner across the Member States;

52. Recalls that own resources based on an EU digital levy and/or OECD rules are not to be formally earmarked for expenditure under any particular programme or fund, in compliance with the universality principle; recalls that they will constitute general income along with other new own resources whose overall amount should be sufficient to cover at least the costs of the repayments of the Next Generation EU Recovery Instrument; recalls that any income from new own resources that exceeds actual needs for repayments will continue to serve the EU budget as general revenue;

53. Recalls that as stated in point G of Annex II of the IIA, the institutions acknowledge that the introduction of a basket of new own resources should support the adequate financing of Union expenditure in the MFF;

54. Maintains that the revenue of the EU digital levy will be part of a basket of new own resources whose proceeds will at least be sufficient to cover, through the EU budget, the future repayment costs (principal and interest) arising from the Recovery Instrument's grants component, expected to be around EUR 15 billion per year on average and a maximum of EUR 29,25 billion per year from 2028 until 2058, while avoiding a reduction in expenditure for EU programmes; notes that the revenue estimates range from several billions of euro to several tens of billions of euro depending on a range of factors including the exact definition of the taxable base, the taxable entity, the place of taxation, the calculation and the rate of tax, as well as economic growth rates in the sectors concerned;

55. Underlines that the introduction of a basket of new own resources, as provided for in the roadmap of the IIA, including the EU digital levy, will increase the EU's financial autonomy and its ability to deliver on EU citizens' expectations regarding the EU's strategic policy objectives such as a fair and strong European single market, the European Green Deal based on a just transition, the European Pillar of Social Rights and the digital transformation, as well as the creation of EU added value with high efficiency gains compared to national spending;

([15]) Most notably its resolutions of 14 March 2018 on reform of the European Union's system of own resources (OJ C 162, 10.5.2019, p. 71), of 14 November 2018 entitled 'Interim report on the Multiannual Financial Framework 2021-2027 — Parliament's position with a view to an agreement' (OJ C 363, 28.10.2020, p. 179), of 10 October 2019 on the 2021-2027 multiannual financial framework and own resources: time to meet citizens' expectations (texts adopted, P9_TA(2019)0032), of 15 May 2020 on the new multiannual financial framework, own resources and the recovery plan (texts adopted, P9_TA(2020)0124), and of 23 July 2020 on the conclusions of the extraordinary European Council meeting of 17-21 July 2020 (texts adopted P9_TA(2020)0206), and its legislative resolution of 16 September 2020 on the draft Council decision on the system of own resources of the European Union (texts adopted, P9_TA(2020)0220).

56. Recalls that the revenue from the EU digital levy must contribute to the repayment of the Recovery Instrument and to the financing of expenditure for Union programmes and funds; reaffirms, in this regard, that any share of digital levy revenue retained by Member States should be strictly proportional to the collection costs they incur and should not unduly disadvantage the EU budget;

57. Urges the Commission to incorporate Parliament's position when preparing the legislative proposals for an EU digital levy as an own resource and the revised own resources decision and calls on the Council to swiftly adopt the proposal in line with the roadmap; encourages the institutions to engage swiftly and constructively in the 'regular dialogue' provided for in the agreed own resources roadmap; urges the European Council to endorse a resolute leadership role for the EU in the worldwide endeavour towards fairer taxation by taking swift and determined steps towards introducing a digital levy as an own resource in the course of 2021; welcomes, in this regard, the statement of the members of the European Council of 25 March 2021 underlining their commitment to this endeavour;

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

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P9_TA(2021)0148

Assassination of Daphne Caruana Galizia and the rule of law in Malta

European Parliament resolution of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta (2021/2611(RSP))

(2021/C 506/09)

The European Parliament,

— having regard to Articles 2, 4, 5, 6, 7, 9 and 10 of the Treaty on European Union (TEU),

— having regard to Article 20 of the Treaty on the Functioning of the European Union,

— having regard to Articles 6, 7, 8, 10, 11, 12 and 47 of the Charter of Fundamental Rights of the European Union (the 'Charter'),

— having regard to its resolutions of 15 November 2017 ([1]), 28 March 2019 ([2]) and 16 December 2019 ([3]) on the rule of law in Malta,

— having regard to the hearings, exchanges of views and delegation visits carried out by the Democracy, Rule of Law and Fundamental Rights Monitoring Group of the Committee on Civil Liberties, Justice and Home Affairs since 15 November 2017,

— having regard to the exchanges of letters between the Chair of the Democracy, Rule of Law and Fundamental Rights Monitoring Group and the Prime Minister of Malta, the latest of which took place in April 2021,

— having regard to resolution 2293(2019) of the Parliamentary Assembly of the Council of Europe of 26 June 2019 entitled 'Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges',

— having regard to the report on the follow-up to resolution 2293(2019) of the Parliamentary Assembly of the Council of Europe, endorsed by the Parliamentary Assembly's Committee on Legal Affairs and Human Rights on 8 December 2020,

— having regard to the opinion of the Venice Commission of 8 October 2020 on ten acts and bills implementing legislative proposals subject of opinion CDL-AD(2020)006,

— having regard to the Commission's 2020 Rule of Law Report,

— having regard to the judgment of the European Court of Justice of 20 April 2021, Repubblika v Il-Prim Ministru ([4]),

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

A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; whereas these values are universal and common to the Member States;

B. whereas the rule of law and respect for democracy, human rights and fundamental freedoms and the values and principles enshrined in the EU Treaties and international human rights instruments are obligations incumbent on the Union and its Member States and must be complied with; whereas, in accordance with Article 2, Article 3(1) and Article 7 TEU, the Union has the possibility to act in order to protect the common values on which it was founded;

([1]) OJ C 356, 4.10.2018, p. 29.
([2]) OJ C 108, 26.3.2021, p. 107.
([3]) Texts adopted, P9_TA(2019)0103.
([4]) Judgment of 20 April 2021, Repubblika v Il-Prim Ministru, C-896/19, ECLI:EU:C:2021:311.

C. whereas the Charter is part of EU primary law; 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);

D. whereas the independence of the judiciary is enshrined in Article 19(1) TEU, Article 47 of the Charter and Article 6 of the ECHR, and is an essential requirement of the democratic principle of separation of powers;

E. whereas the systematic refusal of one Member State to comply with the fundamental values of the European Union and the Treaties to which it has freely acceded affects the EU as a whole;

F. whereas the Maltese anti-corruption investigative journalist and blogger Daphne Caruana Galizia was assassinated in a car bomb attack on 16 October 2017; whereas she was the target of harassment and numerous threats in the form of threatening phone calls, letters and text messages, as well as an arson attack on her house and the murder of her dog; whereas the self-confessed hitman testified in court on 16 March 2021 that two years before Daphne Caruana Galizia was murdered there was a previous and separate plot to assassinate her using an AK-47 rifle;

G. whereas the murder investigations led by the Maltese authorities and assisted by Europol have led to the identification, arraignment and ongoing trial of several suspects and one potential mastermind behind the murder, the owner of the Dubai-based company 17 Black Ltd. and former Member of the Board of Directors of ElectroGas Malta Ltd.; whereas the Federal Bureau of Investigation (FBI) was also involved in the investigations;

H. whereas one of the alleged accomplices and certain recordings exhibited in court proceedings have implicated the former Chief of Staff to the Prime Minister of Malta in the planning, funding and/or the attempted cover-up of the murder;

I. whereas the former Chief of Staff to the Prime Minister resigned on 26 November 2019 following an interrogation by the police over the assassination of Daphne Caruana Galizia; whereas he was arrested and charged with money laundering, fraud, corruption and forgery on 20 March 2021 in a separate case, which was the subject of Daphne Caruana Galizia's work, along with several of his business associates; whereas he was granted bail and was released from pre-trial detention on 5 April 2021;

J. whereas the then Minister for Tourism of Malta, formerly the Minister for Energy, resigned on 26 November 2019; whereas a consortium of investigative journalists has published a detailed report about the business connections between a Chinese family and the former Minister for Energy as well as the former Prime Minister's Chief of Staff ([5]); whereas the Chinese family allegedly played a central role in the negotiations for an investment worth EUR 380 million by China's state-owned Shanghai Electric Power in Malta's state power company Enemalta, and owns the companies Dow's Media Company and Macbridge, the latter of which planned to pay up to USD 2 million to Panama firms controlled by the former Minister for Energy and the former Prime Minister's Chief of Staff; whereas the investigations into these business transactions were at the centre of Daphne Caruana Galizia's work when she was assassinated;

K. whereas a public independent inquiry into the murder of Daphne Caruana Galizia was initiated in late 2019 and is still ongoing;

L. whereas one of the suspects in the ongoing court case on the murder of Daphne Caruana Galizia has been granted a presidential pardon for his involvement in a separate case and gave testimony under oath; whereas he implied that the former Minister for the Economy could have been involved in a plot to kill a journalist and that a sitting government minister was involved in a major crime, sparking speculation about an attempted heist of HSBC bank headquarters in Qormi in 2010 that led to a shoot-out with the police;

([5]) 'Special Report: Money trail from Daphne murder probe stretches to China', *Reuters*, 29 March 2021.

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M. whereas the former Parliamentary Secretary for Civil Rights and Reforms in the Maltese Ministry for Justice, Equality and Governance is alleged to have accepted cash from the person charged with commissioning the murder of Daphne Caruana Galizia, after she claimed to have acted as a broker on a projected property sale in 2019; whereas this property sale never took place;

N. whereas serious concerns persist regarding the fight against corruption and organised crime in Malta, as outlined in the Commission's 2020 Rule of Law Report; whereas the existing standards of prevention, investigation and prosecution are clearly inadequate; whereas this threatens to undermine the trust of citizens in public institutions, resulting in dangerous interconnections between criminal groups and public authorities; whereas organised crime is primarily enabled by corruption; whereas a structural reform project has been launched to address gaps and strengthen the institutional anti-corruption framework, including law enforcement and prosecution;

O. whereas journalists, notably but not exclusively investigative journalists, are increasingly being issued with so-called 'strategic lawsuits against public participation' (SLAPP), which are intended purely to frustrate their work, avoid public scrutiny and prevent authorities from being held to account, creating a chilling effect on media freedom; whereas at the time of her assassination Daphne Caruana Galizia's assets had been frozen by precautionary warrants issued in conjunction with four libel suits brought by Malta's former Minister for the Economy and his aide; whereas the cases were among 42 civil libel suits open against her at the time of her death, including one brought by the then Prime Minister, two by the then Minister for Tourism, and two by the then Prime Minister's Chief of Staff;

1. Is deeply concerned about the latest revelations in the investigations into the assassination of Daphne Caruana Galizia, in particular the possible involvement of government ministers and political appointees; acknowledges the progress made in the murder investigations; reiterates, however, that the recent revelations raise new questions about the case and related investigations;

2. Urges the Government of Malta to deploy all the necessary resources to bring to justice not only every individual implicated in the murder of Daphne Caruana Galizia, but also those implicated in all other cases currently being investigated or reported which she had brought to light prior to her assassination; believes that Daphne Caruana Galizia's work has been essential in exposing corruption in Malta and that recent developments on related investigations affirm the paramount importance of an independent media and active civil society as fundamental pillars of justice, democracy and the rule of law;

3. Reiterates its call for the full and continuous involvement of Europol in all aspects of the murder investigation and all related investigations; calls for Europol's involvement to be reinforced as it yields results;

4. Welcomes the continuation of the public independent inquiry into the murder of Daphne Caruana Galizia; calls on the Government and the competent authorities of Malta to implement in full all recommendations stemming from the inquiry;

5. Expresses concerns about the repeated offer and use of presidential pardons in the context of the murder trial; stresses that testimonies offered for other crimes should be very carefully assessed and should not be used to evade full justice for murder; notes, however, that a presidential pardon and plea bargain were two of the elements that led to the arrest in November 2019 of one individual suspected of commissioning the assassination;

6. Acknowledges the progress made, albeit greatly delayed, in some of the investigations in related cases of money laundering and corruption, particularly with regard to the former Chief of Staff to the Prime Minister; stresses, however, that the latest testimonies and revelations have brought new suspicious facts and potential criminal acts to light and therefore calls on the Maltese authorities to also launch and advance investigations in these cases without delay, including possible attempts by public officials to conceal evidence and obstruct investigations and judicial proceedings;

7. Considers that all allegations of corruption and fraud, especially at a high political level, should be investigated and prosecuted with the appropriate rigour and at the appropriate level, including in relation to the possible involvement of foreign actors; questions whether it is appropriate that the allegations against the former Parliamentary Secretary for Civil Rights and Reforms are only being investigated by the Commissioner for Standards in Public Life;

8. Reiterates that the Maltese Government must consider the fight against organised crime, corruption and the intimidation of journalists as of the utmost priority;

9. Acknowledges that in its ruling of 20 April 2021, the Court of Justice of the EU found that the provisions introduced by the Maltese constitutional reform of 2016 on the appointment of members of the judiciary strengthened judicial independence and were therefore in line with EU law;

10. Deeply regrets how developments in Malta over the years have led to serious and persistent threats to the rule of law, democracy and fundamental rights, including questions as to the freedom of the media, the independence of law enforcement and the judiciary from political interference, and the freedom of peaceful assembly; considers that constitutional guarantees in respect of the separation of powers should be further strengthened; notes that following the implementation of some of the recommendations of the Commission, the Council of Europe and the Venice Commission, the Government of Malta made progress in relation to the rule of law; encourages the Government of Malta to continue to pursue endeavours to strengthen its institutions;

11. Is deeply concerned about some of the Commission's findings in its 2020 Rule of Law Report with regard to Malta, notably 'deep corruption patterns'; welcomes, nonetheless, the launch of the structural reform project; reiterates its call on the Commission to use all the tools and procedures at its disposal to ensure full compliance with EU law vis-à-vis the efficient functioning of judicial systems, the fight against money laundering, banking supervision, public procurement, and urban planning and development;

12. Reiterates its call on the Maltese authorities to fully implement all outstanding recommendations by the Parliamentary Assembly of the Council of Europe, the Venice Commission, Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval); considers that the recommendations concerning the national Parliament and MPs, the effect of Constitutional Court judgments and the specialised tribunals should be properly implemented; calls on the Maltese authorities to request the Venice Commission's opinion on compliance with its recommendations; reserves the right to make such a request itself in accordance with Article 3(2) of the Statute of the Venice Commission and paragraph 28 of the Memorandum of Understanding between the Council of Europe and the European Union;

13. Acknowledges that the assassination of Daphne Caruana Galizia triggered reforms to improve the protection of journalists and defend media freedom; stresses, however, that the Maltese authorities should take further demonstrable steps, setting long-term legislative and policy measures that serve to ensure an environment for critical, independent journalism in Malta and the accountability of politicians and officials, in particular as regards preventing and sanctioning threats, harassment, bullying and the dehumanisation of journalists, publicly or online; calls on the Maltese Government to address existing concerns related to media freedom and the independence of media regulators and public and private media from political interference and the increasing use of hate speech on social media;

14. Is deeply concerned about the harmful impact of citizenship and residence schemes on the integrity of EU citizenship; recalls the recent revelations regarding the lenient interpretation of residence requirements for naturalisation, as well as the role of intermediaries and involvement of public officials; reiterates its call on the Maltese authorities to assure transparency and terminate its investor citizenship and residence schemes rather than modify them; calls on the Commission to issue its reasoned opinion in the relevant infringement case as soon as possible;

15. Notes that the protection of investigative journalists and whistleblowers is in the vital interests of society; notes the key role of international and Maltese civil society organisations and journalists in continuing Daphne Caruana Galizia's investigations; calls on the Maltese authorities to ensure the protection of the personal safety, livelihoods and thus the independence of journalists and whistleblowers at all costs and at all times; calls on the Maltese authorities to swiftly implement Directive (EU) 2019/1937 ([6]);

([6]) 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 (OJ L 305, 26.11.2019, p. 17).

16. Calls on the Commission to propose EU anti-SLAPP legislation in order to protect journalists from vexatious lawsuits; calls on the Maltese authorities to enact domestic legislation on SLAPP in the meantime; stresses that when fighting corruption and maladministration, investigative journalism should receive particular consideration and financial or fiscal support as a tool serving the public good; underlines the need for rapid response mechanisms for violations of press and media freedom, as well as the cross-border investigative journalism fund;

17. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Council of Europe and the President of the Republic of Malta.

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P9_TA(2021)0155

COVID-19 pandemic in Latin America

European Parliament resolution of 29 April 2021 on the COVID-19 pandemic in Latin America (2021/2645(RSP))

(2021/C 506/10)

The European Parliament,

— having regard to the Treaty on European Union,

— having regard to the statement of 11 March 2020 by the World Health Organization (WHO) declaring COVID-19 a pandemic,

— having regard to the declaration by the World Health Organization (WHO) of 30 January 2020 stating that the COVID-19 outbreak constitutes a Public Health Emergency of International Concern (PHEIC),

— having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights ([1]),

— having regard to the report of the European Investment Bank entitled 'EIB Activity in 2020 — Latin America and the Caribbean',

— having regard to the reports published by the Pan American Health Organization,

— having regard to the Organisation for Economic Co-operation and Development (OECD) report of November 2020 entitled 'COVID-19 in Latin America and the Caribbean: An overview of government responses to the crisis',

— 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 State of the Union address delivered by President of the Commission Ursula von der Leyen on 16 September 2020,

— having regard to the declaration of 5 May 2020 by High Representative Josep Borrell on behalf of the European Union on human rights in the times of the coronavirus pandemic,

— having regard to the Council conclusions of 8 June 2020 on the 'Team Europe' global response to COVID-19,

— having regard to the European Council conclusions of 17-21 July 2020 on the recovery plan and multiannual financial framework for 2021-2027,

— 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 its resolution of 25 November 2020 on the foreign policy consequences of the COVID-19 outbreak ([2]),

— having regard to the declaration by the Co-Presidents of the Euro-Latin American Parliamentary Assembly (EuroLat) of 5 November 2020 on a comprehensive and bi-regional EU-LAC strategy to mitigate the impact of the COVID-19 pandemic,

— having regard to the declaration by the Co-Presidents of EuroLat of 30 March 2020 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 ([3]),

([1]) Texts adopted, P9_TA(2020)0307.
([2]) Texts adopted, P9_TA(2020)0322.
([3]) Texts adopted, P9_TA(2020)0054.

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— having regard to the European External Action Service joint communiqué of 14 December 2020 resulting from the EU 27-Latin America and the Caribbean informal ministerial meeting,

— having regard to the Economic Commission for Latin America and the Caribbean (ECLAC) report entitled 'Social Panorama of Latin America 2020', published in 2021,

— having regard to the 27th Ibero-American Summit of Heads of State and Government held on 21 April 2021 in Andorra, and to the resulting declaration,

— having regard to the annual reports from the Council to the European Parliament on common foreign and security policy,

— having regard to the report of its Committee on Foreign Affairs (A9-0204/2020),

— having regard to the Universal Declaration of Human Rights (UDHR) and other UN human rights treaties and instruments,

— having regard to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Declaration on the Rights of Indigenous Peoples of 2007, and the UN Declaration on Human Rights Defenders of 1998,

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

— having regard to the statements of UN Secretary-General António Guterres and UN High Commissioner for Human Rights Michelle Bachelet of March 2020 on lifting sanctions against countries to battle the pandemic,

— having regard to the presentation by the UN High Commissioner for Human Rights, Michelle Bachelet, in Fiocruz on 15 April 2021,

— having regard to the 2030 Agenda for Sustainable Development adopted by the UN General Assembly on 25 September 2015 and to the Sustainable Development Goals (SDGs),

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas the relations between the EU and Latin America and the Caribbean are of strategic and crucial interest; whereas Latin America has been the one of the regions worst hit by COVID-19; whereas Latin America comprises 8,4 % of the world's population but has accumulated at present more than a fifth of global deaths from coronavirus;

B. whereas the response to the COVID-19 pandemic has been varied globally, including across Latin America; whereas all countries have declared a general state of emergency;

C. whereas the priority now must be to rebuild trust in multilateral institutions being able to deliver global answers, by moving forward on the discussions on the WTO Trade and Health Initiative for COVID-19 and related medical health products;

D. whereas the devastating effects of the COVID-19 pandemic on both sides of the Atlantic require close cooperation between the WTO, the WHO, UN institutions and the World Bank, which is essential to tackle the crisis and to provide solidarity; whereas a global and coordinated response is needed to face the great challenges of sustainable, green and digital recoveries that are also inclusive, fair, and resilient;

E. whereas the effects of the pandemic and the policies implemented in response have increased the liquidity needs of the countries of the region to confront the emergency phase; whereas these factors have led to rising debt levels and governments are facing increased public expenditure, at the risk of default; whereas increased access to liquidity and debt reduction must be intertwined with medium- and long-term development objectives and thus with initiatives to build forward better;

F. whereas the COVAX initiative, coordinated by the World Alliance for Vaccines and Immunization (GAVI), the Coalition for the Promotion of Innovations for Epidemic Preparedness (CEPI) and the World Health Organization (WHO), has to date administered around 38 million doses; whereas there is a clear need to boost production and distribution capacity within the COVAX initiative;

G. whereas the first round of COVAX allocations of vaccine supplies includes 31 countries in Latin America and the Caribbean that in the coming months should receive more than 27 million doses of the vaccines;

H. whereas the aim of the COVAX initiative is to promote and secure global access to safe, high-quality, effective and affordable vaccines; points out that for 2021, COVAX has secured vaccines for only 20 % of the world's population and vaccine production and distribution in both Europe and Latin America must therefore be ramped up;

I. whereas Latin America began 2020 as the world's most unequal region and this only worsened under the pandemic; whereas the poverty rate rose to 209 million by the end of 2020, which represents an additional 22 million people falling into poverty, while the number living in extreme poverty grew by 8 million, out of a total of 78 million; whereas the indices of inequality in the region worsened along with employment and labour participation rates, among women above all, due to the COVID-19 pandemic and despite the emergency social protection measures that countries have adopted to halt this phenomenon;

J. whereas COVID-19 disproportionately affects low and middle-income and developing countries and groups in situations of vulnerability, including women and girls, the elderly, minorities and indigenous communities, eroding health and development gains, thus hampering the achievement of the Sustainable Development Goals (SDGs);

K. whereas the crisis caused by the COVID-19 pandemic has aggravated gender inequalities; whereas Latin America has one of the highest rates of gender-based violence in the world and those rates have increased during the pandemic, with lockdown measures leading to a marked increase in domestic violence, rape and femicide; whereas sexual and reproductive health were not prioritised during the pandemic, posing a serious obstacle to the right to health and endangering the lives of women and girls in the region;

L. whereas indigenous peoples were heavily affected by COVID-19 because of inadequate access to clean water, sanitation, health services, social benefits, and a lack of culturally appropriate mechanisms to protect their rights to health and livelihoods;

M. whereas in some Latin American countries, as in many parts of the world, the COVID-19 pandemic has also been used as a pretext for repression, disproportionately restricted political opposition and civil society gatherings and activities; whereas government measures have frequently undermined all basic human rights, including the civil political, social, economic and cultural rights of those in the most precarious situations; whereas COVID-19 restrictions have also impacted freedom of expression;

N. whereas the work of journalists in the region has become more difficult as a result of measures related to the COVID-19 pandemic in terms of limited physical access and reduced contact with authorities, particularly regarding their role in the fight against increasingly prevalent disinformation; whereas online disinformation, fake news and pseudoscience have been a big driver of the pandemic in Latin America, as part of the 'infodemic' as defined by the World Health Organization; whereas concrete examples of this range from quack and miracle COVID-19 'cures' to political attacks and hate campaigns against certain communities and minorities; whereas social media has played a major role in the spread of disinformation and pseudoscience;

O. whereas some governments have been particularly criticised for following hazardous political paths concerning the COVID-19 pandemic, showing opposition to regional and local sanitary initiatives, including threats to send in the army to curb local lockdown and restrictions, and have been accused of ignoring the WHO core directives, best practices on pandemic management and science-based public health guidelines;

1. Reiterates its deep concern over the devastating impact the COVID-19 pandemic is having on both the European and the Latin American continents and expresses its solidarity towards all the victims and their families, as well all those affected by the health, economic and social crises;

2. Expresses its deep gratitude for the service of medical workers in the region under the high pressures and risks of the coronavirus threat;

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3. Calls for the governments of both regions, for the EU institutions and for Latin American integration bodies to step up bi-regional cooperation and to improve preparedness and response capacities, protection income, and access to basic healthcare and the efficient management of widespread vaccination plans;

4. Calls for the EU and its Member States to cooperate with the authorities of Latin American countries in need and deploy the EU Civil Protection Mechanism and other solidarity funding pursuant to the multiannual financial framework 2021-2027 in order to tackle the pandemic; calls furthermore on the Commission to make use of Horizon Europe and other EU programmes and funds in order to foster scientific cooperation between Latin American countries and the EU, namely in the fields of health and innovation; welcomes new initiatives for regional health cooperation such as setting up a transnational institute for infectious diseases;

5. Call on all countries and governments to secure free access to vaccines for the whole population without undue delay, securing sufficient vaccine supplies, promoting equitable access to them and moving forward as quickly as possible with vaccination campaigns, which are now under way; proposes, to that end, strengthening regional and/or sub-regional coordination mechanisms with a view to streamlining the procurement and effective distribution of vaccines and stepping up research to support their development and production;

6. Calls on the international community to increase efforts to strengthen the distribution capacity of the COVAX initiative and to support the full funding of the COVAX Advance Market Commitment;

7. Recognises the leading role played by the EU and its Member States in efforts to secure fair and equitable access to safe and effective vaccines in low- and middle-income countries through the COVAX mechanism, including the recent announcement of an additional contribution of EUR 500 million, bringing the EU's financial contribution to COVAX to a total of EUR 1 billion in direct grants and guarantees; notes that, as the Commission, the European Investment Bank and the EU Member States have pledged more than EUR 2,2 billion to the COVAX Facility, the EU is one of its main contributors;

8. Urges Latin American countries to make vaccines available to all regardless of migratory status, to take urgent action to reinforce vaccine distribution for irregular migrants and refugees as well as people working in the informal sector and living in informal settlements, and to allow for those that do not have a national identity document to register for inoculation with no administrative delays; commends in this regard actions such the Temporary Protection Statute for Venezuelan Migrants in Colombia or the ongoing relocation operation 'Operação Acolhida' in Brazil;

9. Takes note that according to the WHO several countries in the region have potential COVID-19 vaccine production capacities that could be scaled up subject to technology transfers;

10. Urges governments to sustain the highest levels of respect for human rights in the application of containment measures in response to the expansion of COVID 19; asks that it be ensured that the measures taken to respond to the health emergency are proportional, necessary and non-discriminatory; condemns the repressive measures taken during the pandemic, gross human rights violations and abuses against populations, including the excessive use of force by state and security forces;

11. Calls on all stakeholders to step up the fight against online disinformation, fake news and pseudoscience; calls on the governments of both regions and on international organisations to engage with online platforms to find effective solutions tackling the 'infodemic'; welcomes the creation of PortalCheck.org, a new online resource hub for fact-checkers in Latin America and the Caribbean to address COVID-19 disinformation, supported by the European Union; notes, however, that governments should refrain from using the fight against disinformation to supress political speech and limit the fundamental freedoms of citizens;

12. Calls on the Commission and the EEAS to provide for a specific engagement on knowledge transfer and crisis response action and planning, building on current EU legislative proposals such as the Cross-Border Health Threat Regulation, in order to help Latin American countries become better prepared in the event of future pandemics;

13. Regrets that the COVID-19 pandemic has been heavily politicised, including negationist rhetoric or downplay of the severity of the situation by Heads of State and Government, and calls on political leaders to act responsibly in order to prevent further escalations; considers worrisome the disinformation campaigns related to the pandemic and calls on the authorities to identify and legally persecute the entities perpetrating such actions;

14. Calls for the EU and its Member States and all Latin American states to support a massive issuance of the International Monetary Fund's Special Drawing Rights (SDRs) to increase liquidity of the countries of the region in the least costly manner and to support the widening of the scope of the Debt Service Suspension Initiative (DSSI) of the G20 to middle-income countries;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly and to the authorities and parliaments of the Latin American countries.

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P9_TA(2021)0156

Bolivia and the arrest of former President Jeanine Añez and other officials

European Parliament resolution of 29 April 2021 on Bolivia and the arrest of former President Jeanine Añez and other officials (2021/2646(RSP))

(2021/C 506/11)

The European Parliament,

— having regard to its resolution of 28 November 2019 on the situation in Bolivia [1],

— having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union of 23 October 2020 on the general elections in Bolivia, and the statement by his Spokesperson of 14 March 2021 on the latest developments in Bolivia,

— having regard to the press release by the Inter-American Commission on Human Rights (IACHR) of 16 March 2021 on respect for Inter-American standards for due process and access to justice in Bolivia,

— having regard to the statement attributable to the Spokesperson for the United Nations Secretary-General on Bolivia of 13 March 2021,

— having regard to the statements of the Organization of American States (OAS) General Secretariat of 15 and 17 March 2021 on the situation in Bolivia,

— having regard to the Political Constitution of Bolivia,

— having regard to the American Convention on Human Rights (San José Pact),

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

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas the political and social situation in Bolivia remains of grave concern since the presidential elections of 20 October 2019; whereas at least 35 people have died and 833 have been injured in the context of widespread and violent protests, and many others have been detained in breach of the rules of due process, amid reports of widespread human rights violations and abuses; whereas President Evo Morales has stepped down as President and has left the country; whereas several resignations led to a power vacuum, and the Second Vice-President of the Senate Jeanine Añez assumed the interim presidency in accordance with the constitution; whereas the Constitutional Plurinational Tribunal of Bolivia (TCP) endorsed the interim presidency of Jeanine Áñez;

B. whereas following their constitutional mandate, Jeanine Ánez and the interim authorities took the necessary steps to organise new democratic, inclusive, transparent and fair elections, which took place in October 2020 despite the challenges arising from COVID-19; whereas Luis Arce from the MAS party won the Presidency, and was recognised as such by Jeanine Áñez, as well as by the international community, including the European Union, ensuring a transparent and peaceful transfer of power;

C. whereas in recent months the cancellation or dismissal of several trials against MAS supporters has been confirmed, while threats of judicial persecution of politicians opposed to the MAS Government have increased; whereas on 18 February 2021, the vague Supreme Decree 4461 was approved by the Plurinational Assembly, granting a blanket amnesty and pardon to supporters of the government of President Arce prosecuted during the Áñez administration for crimes related to the 'political crisis' that started in October 2019;

[1] Texts adopted, P9_TA(2019)0077.

D. whereas on 13 March 2021 Jeanine Áñez, two of her ministers, former Energy Minister Rodrigo Guzmán and former Justice Minister Álvaro Coimbra, and other individuals who made up the interim government from 2019 to 2020 were detained on charges of 'terrorism, sedition and conspiracy', and are accused by prosecutors of taking part in a coup in 2019; whereas their pre-trial detention has been extended to six months, and former President Añez faces 24 years in prison if convicted; whereas an arrest warrant is pending for three other former ministers; whereas former President Jeanine Áñez was initially denied medical assistance while in detention;

E. whereas prosecutors brought charges on the basis of a complaint by a former MAS Member of Congress, and allege that the aforementioned individuals 'promoted, directed, were members and supported' organisations whose objective was to break Bolivia's 'constitutional order'; whereas prosecutors charged Jeanine Áñez as interim President but not as a civilian or in the capacity of any other public role; whereas Articles 159(11), 160(6), 161(7) and 184(4) of the 2009 Constitution and the Law of 8 October 2010 provide for a special procedure for the judgment of the President, Vice-President and the high authorities of different tribunals; whereas the judicial procedure against President Áñez, followed by the prosecution, does not comply with Bolivian constitutional law; whereas the evidence in the accompanying documentation seems unclear;

F. whereas those charged with these criminal offences allege that they are being persecuted; whereas those who have been arrested so far claim that they were not duly notified of the charges, although the Attorney General's Office stressed that arrest warrants were issued in keeping with the law and without violating the rights of detainees; whereas the Ombudsperson's Office decided to monitor the actions of Bolivia's Police and Public Prosecutor's Office to ensure that due process and the arrested individuals' right to a defence were being respected;

G. whereas Article 3 of the Inter-American Democratic Charter defines the separation and independence of public powers as an essential element of representative democracy; whereas Article 8 of the San José Pact underscores judicial guarantees and due process; whereas several international organisations have expressed their concern about the abuse of judicial mechanisms in Bolivia, and about the fact that they are increasingly being used as repressive instruments by the ruling party; whereas newly elected President Arce promised that during his government there would be no political pressure on prosecutors and judges;

H. whereas the credibility of the Bolivian judicial system is being affected by continuing reports of lack of independence, widespread political interference and corruption;

I. whereas the IACHR has stressed that certain Bolivian anti-terrorism laws violate the principle of legality because they include, among other things, an exhaustive definition of terrorism that is inevitably too broad or vague; whereas states should respect the principle of legality when defining crimes; whereas complaints filed with the TCP demanding that Article 123 of the Criminal Code on the crime of sedition, and Article 133 thereof on terrorism, be declared unconstitutional for allegedly violating the American Convention on Human Rights and the Bolivian Constitution, are pending resolution by the TCP;

J. whereas the EU is a longstanding partner of Bolivia, and should continue to support its democratic institutions, the reinforcement of the rule of law, human rights and its economic and social development; whereas the EU has played an important role as facilitator in the pacification of the country in 2019 and 2020, and in support of the elections;

1. Denounces and condemns the arbitrary and illegal detention of former interim President Áñez, two of her Ministers, and other political prisoners; calls on the Bolivian authorities to release them immediately and drop the politically motivated charges against them; calls for a framework of transparent and impartial justice free from political pressure, and urges the authorities to provide all the necessary medical assistance to ensure their well-being;

2. Underlines that former President Áñez fully complied with her duty under the Bolivian Constitution as Second Vice-President of the Senate when filling the presidential vacuum caused by the resignation of former President Evo Morales following the violent riots that were triggered by attempted electoral fraud; highlights that the Plurinational Tribunal of Bolivia endorsed the transfer of power to Jeanine Áñez; notes that the elections held on 18 October 2020 took place without incident and with full democratic guarantees;

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3. Expresses its concern over the Bolivian judicial system's lack of independence and impartiality and the prevalence of structural problems; notes that this lack of independence affects access to justice, and, more generally, diminishes citizens' trust in the national justice system; denounces the political pressure on the judiciary to persecute political opponents, and underlines the importance of upholding due process guarantees and ensuring the judiciary is free of all political pressure; stresses that the victims deserve real, impartial justice, and that all those responsible should be held accountable, without the granting of any amnesties or pardons because of their political opinions; calls for full respect of the independence of power branches and for full transparency in all legal proceedings;

4. Stresses that all judicial proceedings must be conducted in full respect of the principle of due process enshrined in international law; stresses they should provide judicial guarantees, ensuring judicial protection and access to justice, as part of an independent and impartial justice system that is free from interference by other state institutions;

5. Urges Bolivia to undertake structural changes and reforms to the judicial system, in particular its composition, without delay, in order to ensure guarantees of fair and credible trials, impartiality and due process; calls on the Bolivian Government to address the widespread issue of corruption in the country; calls on the Bolivian Government to amend the articles in the Criminal Code on the crimes of sedition and terrorism, which include overly broad definitions of terrorism, and thus give rise to possible violations of the principles of legality and proportionality;

6. Calls on the Bolivian Public Prosecutor's Office to reopen the investigation into the alleged channelling by the Morales government of USD 1,6 million of public funds through irregular payments to the Neurona consulting firm;

7. Recalls the indispensability of enhanced and effective dialogue channels in the framework of Bolivian institutions in order to promote democratic values, the rule of law and respect for human rights; calls on the Bolivian authorities to lead a reconciliation process with the aim of defusing the tension and hostility that are latent within Bolivian society;

8. Expresses concern at the dire social and political situation which has been unfolding and deteriorating in Bolivia since 2019, and deeply deplores the tragedy that has befallen all victims of the unrest in Bolivia, from all sides; underlines the critical need to uphold the entirely lawful multi-ethnic and multilingual nature of the state; calls on Bolivia to undertake structural changes and reforms, including the appointment of an independent and impartial Ombudsperson, to address the root causes of the crises that flared up in the country;

9. Believes that the EU and Bolivia should continue and enhance their engagement and dialogue in the context of the GSP+ negotiations, as Bolivia is the only country in the Andean Community that does not have an agreement with the EU; believes that the EU should continue to stand by Bolivia, and be ready to engage further, provided that clear steps are taken to improve the situation and that democracy, the rule of law and human rights are respected;

10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government of Bolivia, the Plurinational Constitutional Court of Bolivia, the Organization of American States, the Inter-American Commission on Human Rights, the Andean Parliament and the Euro-Latin American Parliamentary Assembly, the UN Secretary-General and the UN High Commissioner for Human Rights.

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P9_TA(2021)0157

Blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel

European Parliament resolution of 29 April 2021 on the blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel (2021/2647(RSP))

(2021/C 506/12)

The European Parliament,

— having regard to its previous resolutions on Pakistan, in particular those of 20 May 2010 on religious freedom in Pakistan ([1]), of 10 October 2013 on recent cases of violence and persecution against Christians, notably in Maaloula (Syria) and Peshawar (Pakistan) and the case of Pastor Saeed Abedini (Iran) ([2]), of 17 April 2014 on Pakistan: recent cases of persecution ([3]), of 27 November 2014 on Pakistan: blasphemy laws ([4]), and of 15 June 2017 on Pakistan, notably the situation of human rights defenders and the death penalty ([5]),

— having regard to the Universal Declaration of Human Rights,

— having regard to the International Covenant on Civil and Political Rights of 1966, in particular Articles 6, 18 and 19 thereof,

— having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,

— having regard to the observations of the spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, in particular his press briefing notes on Pakistan of 8 September 2020,

— having regard to the statements by the High Representative of the Union for Foreign Affairs and Security Policy on Pakistan,

— having regard to the EU-Pakistan Strategic Engagement Plan of 2019, which establishes an agreed basis for mutual cooperation on priorities such as democracy, the rule of law, good governance and human rights,

— having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

— having regard to the joint report by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 February 2020 on the Generalised Scheme of Preferences covering the period 2018-2019 (JOIN (2020)0003) and, in particular, to the corresponding assessment of Pakistan in relation to the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) (SWD(2020)0022),

— having regard to the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief of 2013,

— having regard to the EU Guidelines on the Death Penalty of 2013,

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas Pakistan's controversial blasphemy laws have been in place in their present form since 1986, punishing blasphemy against the Prophet Muhammad with death or life imprisonment;

B. whereas Pakistan's blasphemy laws, despite never having led to official executions, incite harassment, violence and murder against those being accused; whereas people who are accused of blasphemy have to fear for their lives regardless of the outcome of judicial procedures; whereas it is widely known that Pakistan's blasphemy laws are often abused by making false accusations that serve the personal interests of the accuser;

([1]) OJ C 161 E, 31.5.2011, p. 147.
([2]) OJ C 181, 19.5.2016, p. 82.
([3]) OJ C 443, 22.12.2017, p. 75
([4]) OJ C 289, 9.8.2016, p. 40.
([5]) OJ C 331, 18.9.2018, p. 109.

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C. whereas Pakistan's blasphemy laws make it dangerous for religious minorities to express themselves freely or engage openly in religious activities; whereas instead of protecting religious communities they have cast a pall of fear over Pakistani society; whereas any attempts to reform the laws or their application have been stifled by threats and assassinations; whereas attempts to discuss these issues in the media, online or offline, are often met with threats and harassment, including from the government;

D. whereas several dozen people, including Muslims, Hindus, Christians and others, are currently in prison on blasphemy charges; whereas several people who have been accused have been killed by mob violence; whereas there is tremendous pressure on the Pakistani court system; whereas judicial proceedings often take many years and have a devastating effect on innocent Pakistani citizens and their families and communities;

E. whereas there has been an alarming increase in accusations of 'blasphemy' online and offline in Pakistan over the past year; whereas many of these accusations target human rights defenders, journalists, artists and the most marginalised people in society; whereas Pakistan's blasphemy laws are increasingly used for personal or political score-settling in violation of the rights to freedom of religion and belief and of opinion and expression;

F. whereas the judicial procedures in blasphemy cases in Pakistan are highly flawed; whereas low standards of evidence are required for a conviction and judicial authorities often uncritically accept allegations; whereas the accused are often presumed guilty and have to prove their innocence rather than *vice versa*;

G. whereas freedom of thought, conscience and religion applies to the adherents of religions, but also to atheists, agnostics and people without beliefs;

H. whereas Pakistan is a party to relevant international human rights agreements, including the International Covenant on Civil and Political Rights and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which contain provisions on the right to life, the right to a fair trial, equality before the law and non-discrimination;

I. whereas the postponement of trials has been a common factor in several cases of people accused of 'blasphemy', with judges often suspected of employing these tactics out of reluctance to pass judgments exonerating the accused; whereas those working in Pakistan's criminal justice system, including lawyers, police, prosecutors and judges, are often prevented from carrying out their jobs effectively, impartially and free of fear; whereas witnesses and the families of victims have had to go into hiding, fearing retaliatory action;

J. whereas the situation in Pakistan continued to deteriorate in 2020 as the government systematically enforced blasphemy laws and failed to protect religious minorities from abuses by non-state actors, with a sharp rise in targeted killings, blasphemy cases, forced conversions, and hate speech against religious minorities including Ahmadis, Shi'a Muslims, Hindus, Christians and Sikhs; whereas abduction, forced conversion to Islam, rape and forced marriage remained an imminent threat for religious minority women and children in 2020, particularly those from the Hindu and Christian faiths;

K. whereas 2 March 2021 marked 10 years since the former Pakistani Minister for Minorities Affairs Shahbaz Bhatti was assassinated following threats made against him after publicly speaking out against the blasphemy laws;

L. whereas the Pakistani couple Shagufta Kausar and Shafqat Emmanuel were sentenced to death on blasphemy charges in 2014; whereas these charges were based on the alleged sending of text messages insulting the Prophet Muhammad from a phone number registered to Shagufta Kausar to the person accusing the couple of blasphemy;

M. whereas the evidence on which the couple were convicted can be considered deeply flawed; whereas their illiteracy debunks the assumption that they could have sent the text messages; whereas the phone which was allegedly used to send the messages has not been recovered for investigation; whereas the couple had allegedly been in an argument with the accuser not long before the accusations were made; whereas there is reason to believe that the couple were tortured;

N. whereas the couple have been detained in jail pending a court ruling on their appeal against their death sentence; whereas their appeal was due to be heard in April 2020, six years after they were sentenced, but has been postponed multiple times, most recently on 15 February 2021;

O. whereas the couple have been separated from their four children since their conviction;

P. whereas Shafqat Emmanuel is suffering from the result of damage to his spinal cord following an accident in 2004 and is not offered appropriate medical attention in prison; whereas Shagufta Kausar is isolated in a women's prison and is suffering from depression as a result of her situation;

Q. whereas the High Court of Lahore has postponed the case several times and whereas the couple's lawyer, Saiful Malook, has been working very hard to ensure that Shagufta Kausar and Shafqat Emmanuel can finally hear their case in court and their judicial right to a fair and just trial is finally upheld;

R. whereas according to the Centre for Social Justice in Pakistan, at least 1 855 people have been charged under the blasphemy laws between 1987 and February 2021, with the highest number of accusations taking place in 2020;

S. whereas Mashal Khan, a Muslim student, was killed by an angry mob in April 2017 following allegations surrounding the posting of blasphemous content online, no evidence of which was found; whereas Junaid Hafeez, a university lecturer at Bahauddin Zakariya University in Multan, was arrested in March 2013 for allegedly making blasphemous remarks, held in solitary confinement for the five years of his trial, found guilty of blasphemy and given a death sentence by the Pakistani courts in December 2019; whereas UN human rights experts condemned the sentence as a 'travesty of justice' which contravenes international law;

T. whereas there are an increasing number of online and offline attacks on journalists and civil society organisations, in particular against women and the most marginalised in society, including members of religious minorities, poorer people and people with disabilities; whereas such attacks often include false accusations of blasphemy, which can lead to physical attacks, killings, arbitrary arrest and detention;

U. whereas Pakistan has benefited from trade preferences under the GSP+ programme since 2014; whereas the economic benefits from this unilateral trade agreement for the country are considerable; whereas GSP+ status comes with the obligation to ratify and implement 27 international conventions including commitments to guarantee human rights and religious freedom;

V. whereas in its latest GSP+ assessment of Pakistan of 10 February 2020, the Commission expressed a variety of serious concerns on the human rights situation in the country, notably the lack of progress in limiting the scope and implementation of the death penalty;

W. whereas the continued use of the blasphemy law in Pakistan is taking place amid a global rise in restrictions on freedom of religion and freedom of expression related to religion and belief; whereas in March 2019 the UN Special Rapporteur on freedom of religion or belief cited the case of Asia Bibi as one of the examples of a revival of anti-blasphemy and anti-apostasy laws and the use of public order laws to limit expression deemed offensive to religious communities;

X. whereas the repeated and deceptive attacks against the French authorities by radical Pakistani groups and recent statements by the Government of Pakistan on the grounds of blasphemy have escalated since the response of the French authorities to the terrorist attack against a French school teacher for defending freedom of expression, prompting the French authorities to recommend on 15 April 2021 that their nationals temporarily leave Pakistan; whereas on 20 April 2021, a ruling party member tabled a resolution in the National Assembly of Pakistan demanding a debate on the expulsion of the French ambassador;

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1. Expresses its concern for the health and wellbeing of Shagufta Kausar and Shafqat Emmanuel and urges the Pakistan authorities to ensure that adequate medical care is immediately provided; calls on the Pakistani authorities to release Shafqat Emmanuel and Shagufta Kausar immediately and unconditionally and to overturn their death sentence;

2. Regrets the fact that the appeal of Shagufta Kausar and Shafqat Emmanuel keeps being postponed; calls on the High Court of Lahore to deliver its ruling as soon as possible and to give a reasonable explanation for any further postponement;

3. Notes that Shafqat Emmanuel is being kept in a hospital in prison because of the seriousness of his condition and was twice treated outside Faisalabad prison; regrets the fact that the couple have been held captive for seven years, isolated from each other and their families; calls, therefore, on the Government of Pakistan to ensure that its prisons offer decent and humane conditions;

4. Is concerned at the continued abuse of blasphemy laws in Pakistan, which is exacerbating existing religious divides and thus fomenting a climate of religious intolerance, violence and discrimination; stresses that Pakistan's blasphemy laws are incompatible with international human rights laws and are increasingly used to target vulnerable minority groups in the country, including Shias, Ahmadis, Hindus and Christians; calls, therefore, on the Government of Pakistan to review and ultimately abolish these laws and their application; calls for judges, defence counsel and defence witnesses to be protected in all so-called blasphemy cases;

5. Urges Pakistan to repeal sections 295-B and C of the national Penal Code and to respect and uphold the rights to freedom of thought, conscience, religion and expression throughout the country, effectively banishing the use of blasphemy laws; further calls on the Government of Pakistan to amend the 1997 Anti-Terrorism Act to ensure that blasphemy cases are not tried in anti-terrorism courts, and to provide opportunities for bail to be granted in alleged blasphemy cases;

6. Stresses that freedom of religion or belief, freedom of speech and expression, and minority rights are human rights enshrined in Pakistan's constitution;

7. Calls on the Government of Pakistan to unequivocally condemn incitement to violence and discrimination against religions minorities in the country; calls on the Government of Pakistan to put in place effective, procedural and institutional safeguards at the investigative, prosecutorial and judicial levels to prevent the abuse of the blasphemy laws pending their abolition; deplores the continuing discrimination against and violence towards religious minorities in Pakistan, including Christians, Ahmadiyya Muslims, Shias and Hindus; recalls the 2014 mob attack on the Ahmadi community in Gujranwala following allegations of blasphemy against its member Aqib Saleem, who was acquitted in court, that resulted in the deaths of three members of the community, including two children; notes that it has been made a requirement that no police officer below the level of police superintendent may investigate charges before registering a case;

8. Is concerned by the fact that blasphemy laws in Pakistan are often abused to make false accusations serving various incentives, including settling personal disputes or seeking economic gain; calls on the Government of Pakistan, therefore, to take due heed of this and to repeal the blasphemy laws accordingly; strongly rejects the reported statement by Pakistan's Minister of State for Parliamentary Affairs, Ali Khan, calling for people who commit blasphemy to be beheaded;

9. Urges all EU and European diplomatic personnel to do everything they can to provide protection and support for Shagufta Kausar and Shafqat Emmanuel, including by attending trials, requesting prison visits and continuously and resolutely reaching out to the authorities involved in this case;

10. Calls on the Member States to facilitate the issuance of emergency visas and to offer international protection for Shagufta Kausar, Shafqat Emmanuel, their lawyer Saiful Malook and others that stand accused for peacefully exercising their rights, including human rights defenders, should they need to leave Pakistan;

11. Is extremely concerned at the increasing online and offline attacks on journalists, academics and civil society organisations, particularly those against women and minorities; urges the Government of Pakistan to take immediate steps to ensure the safety of journalists, human rights defenders and faith-based organisations and to carry out prompt and effective investigations in order to uphold the rule of law and bring the perpetrators to justice;

12. Calls on the Commission and the European External Action Service (EEAS) to immediately review Pakistan's eligibility for GSP+ status in the light of current events and whether there is sufficient reason to initiate a procedure for the temporary withdrawal of this status and the benefits that come with it, and to report to the European Parliament on this matter as soon as possible;

13. Calls on the EEAS and the Commission to use all the tools at their disposal, including those provided for by the EU Guidelines for the Promotion and Protection of Freedom of Religion or Belief, to assist religious communities and pressurise the Pakistani Government to do more to protect religious minorities;

14. Urges the EEAS and the Member States to continue to support Pakistan with judicial reform and capacity-building to ensure that lower courts are equipped to promptly hold trials for those detained and to dismiss blasphemy cases that are not supported by sufficient reliable evidence;

15. Welcomes the interreligious dialogues taking place in Pakistan and urges the EEAS and the EU Delegation to continue to support the Pakistan National Peace Council for Interfaith Harmony in organising such regular initiatives with religious leaders, including from religious minorities, supported by faith-based organisations, civil society organisations, human rights and legal professionals and academics; further calls on the EU Delegation and Member States' representations to keep supporting NGOs in Pakistan engaged in human rights monitoring and in providing support for the victims of faith and gender-based violence;

16. Urges Pakistan to intensify its cooperation with international human rights bodies, including the UN Human Rights Committee, in order to implement all relevant recommendations and improve the monitoring and reporting of progress towards achieving international benchmarks;

17. Considers the violent demonstrations and attacks against France unacceptable; is deeply concerned by the anti-French sentiment in Pakistan, which has led French nationals and companies to have to leave the country temporarily;

18. Welcomes the recent judgment of the Supreme Court of Pakistan to ban the execution of prisoners with mental health conditions; reiterates the European Union's strong opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment; calls on the Pakistani authorities to commute the sentences of all individuals who are facing the death penalty to ensure that their right to a fair trial, which is internationally recognised and safeguarded in the constitution, is respected;

19. 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, and the Government and Parliament of Pakistan.

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P9_TA(2021)0159

Russia, the case of Alexei Navalny, military build-up on Ukraine's border and Russian attack in the Czech Republic

European Parliament resolution of 29 April 2021 on Russia, the case of Alexei Navalny, the military build-up on Ukraine's border and Russian attacks in the Czech Republic (2021/2642(RSP))

(2021/C 506/13)

The European Parliament,

— having regard to its previous resolutions on Russia and Ukraine,

— having regard to the UN Charter, the UN Convention on the Law of the Sea, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),

— having regard to the package of measures for the implementation of the Minsk Agreements, adopted and signed in Minsk on 12 February 2015, and endorsed as a whole by UN Security Council resolution 2202 (2015) of 17 February 2015,

— having regard to the statement by the G7 Foreign Ministers of 18 March 2021 on Ukraine and to their joint statement with the High Representative of the Union for Foreign Affairs and Security Policy of 12 April 2021 on the same topic,

— having regard to the meeting of the President of France, the President of Ukraine and the Chancellor of Germany on 16 April 2021 on the issue of the Russian military build-up,

— having regard to the declarations by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 18 April 2021 on the deteriorating health of Alexei Navalny,

— having regard to UN General Assembly resolution 68/262 of 27 March 2014 entitled 'Territorial integrity of Ukraine', UN General Assembly resolutions 71/205 of 19 December 2016, 72/190 of 19 December 2017, 73/263 of 22 December 2018, 74/168 of 18 December 2019 and 75/192 of 16 December 2020 entitled 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine', and UN General Assembly resolutions 74/17 of 9 December 2019 and 75/29 of 7 December 2020 entitled 'Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov',

— having regard to Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine [1],

— having regard to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, and in particular Title II thereof on political dialogue and convergence in the field of foreign affairs and security [2],

— having regard to the Budapest Memorandum on Security Assurances of 5 December 1994 relating to the accession of Belarus, Kazakhstan and Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons,

— having regard to Ukraine's proposal of 29 March 2021 to return to a full ceasefire in eastern Ukraine and the draft of the Joint Action Plan on the realisation of the Minsk Agreements,

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[1] OJ L 78, 17.3.2014, p. 16.
[2] OJ L 161, 29.5.2014, p. 3.

— having regard to the statement by the spokesperson of the European External Action Service of 19 April 2021 on the expulsion of Czech diplomats and the declaration by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 21 April 2021 in solidarity with the Czech Republic over criminal activities on its territory,

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

A. whereas the Russian Federation has in recent weeks substantially increased its military presence on the eastern and northern borders with Ukraine and in occupied Crimea, amassing a total of over 100 000 troops, as well as tanks, artillery and armoured vehicles and other heavy equipment; whereas the recent build-up is the biggest concentration of Russian troops since 2014 and its scale and striking capabilities indicate offensive intentions;

B. whereas the Russian Federation has announced the suspension of the right of innocent passage for warships and commercial vessels of other countries through the part of the Black Sea in the direction of the Kerch Strait until 31 October 2021, violating the freedom of navigation, which is guaranteed by the UN Convention on the Law of the Sea, to which Russia is a party; whereas the areas concerned are within the territorial sea of Ukraine surrounding the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol;

C. whereas it has been six years since the adoption of the Minsk Agreements and seven years since the illegal annexation of the Crimean peninsula by the Russian Federation and the start of the war in Ukraine;

D. whereas according to Ukrainian sources, the Russian Federation has approximately 3 000 officers and military instructors serving in the armed forces of the two so-called People's Republics;

E. whereas the destabilisation of eastern Ukraine by the Russian Federation via its proxy forces in the Donetsk and Luhansk so-called People's Republics has been ongoing since 2014; whereas the conflict has claimed the lives of more than 14 000 people and resulted in close to two million people becoming internally displaced persons (IDPs);

F. whereas Ukraine has requested that paragraph 16.3 of Chapter III of the Vienna Document 2011 on Confidence- and Security-Building Measures be invoked, requesting 'an explanation of unusual military activities' of the Russian Federation near Ukraine's border and in occupied Crimea; whereas the Vienna Document was adopted by all 57 members of the Organization for Security and Co-operation in Europe (OSCE) in 2011 to serve as a lasting source of cooperation and military transparency; whereas the Russian Federation has decided not to participate in this meeting;

G. whereas OSCE participating states are to provide each other with information about, *inter alia*, deployment plans, to notify each other ahead of time about significant military activities such as exercises and to consult and cooperate with each other in the event of unusual military activity or increasing tensions;

H. whereas the Russian Ministry of Defence declared on Friday, 23 April 2021 that the amassed forces would return to their permanent bases by 1 May 2021;

I. whereas the rights to freedom of thought and speech, association, and peaceful assembly are enshrined in the Constitution of the Russian Federation; whereas the situation of human rights and the rule of law continues to deteriorate in Russia, with authorities continuously infringing on these rights and freedoms; whereas the Russian Federation is a signatory of the Universal Declaration of Human Rights and the ECHR, and is a member of the Council of Europe;

J. whereas on 9 April 2021, the Russian authorities briefly detained, interrogated and seized the phones and documents of Roman Anin, one of Russia's leading investigative journalists affiliated with the Organized Crime and Corruption Reporting Project (OCCRP); whereas these actions have also endangered his fellow OCCRP journalists working on transparency and corruption issues, due to the information that the Federal Security Service (FSB) now has full access to;

K. whereas Alexei Navalny, Russia's best-known anti-corruption activist and opposition politician, was detained on 17 January 2021 and sentenced to a 3.5-year jail term on 2 February 2021 for the alleged violation of his probation while he was recovering in Germany from an assassination attempt by poisoning with a prohibited military chemical

agent perpetrated by agents of the Russian security services within the Russian Federation; whereas Alexei Navalny was transferred on 12 March 2021 to a penal colony in Pokrov, where he has been repeatedly subjected to torture and inhumane treatment and subsequently began a hunger strike more than three weeks ago;

L. whereas these developments over the past few weeks have confirmed the worst fears about his personal safety and life among his family, friends and supporters and among the international community and led to his transfer to a prison hospital near Moscow, where his life continues to be in danger;

M. whereas on 16 February 2021 the European Court of Human Rights decided to indicate to the Government of Russia, under Rule 39 of the Rules of Court, to release Alexei Navalny; whereas this measure should apply with immediate effect; whereas the Court had regard to the nature and extent of risk to Alexei Navalny's life, demonstrated *prima facie* for the purposes of applying the interim measure, and seen in the light of the overall circumstances of Alexei Navalny's current detention;

N. whereas on Friday, 23 April 2021, Alexei Navalny announced that, following advice provided by non-prison doctors, he would gradually suspend his hunger strike, which began on 31 March 2021; whereas the medical advice provided to Alexei Navalny ruled that continuing the hunger strike would be life-threatening; whereas even if Mr Navalny receives the necessary care now, there is no guarantee that he would not be subjected to further inhumane or life-threatening treatment or attempts on his life;

O. whereas in 2020 Russia ranked 129th out of 180 countries in the Corruption Perceptions Index by Transparency International, ranking the lowest in Europe; whereas kleptocratic links between oligarchs, security officers and officials linked to the Kremlin have been partially exposed by anticorruption activists such as the late Sergei Magnitsky and the Anti-Corruption Foundation (FBK) led by Alexei Navalny, implicating the highest echelons of power, including Vladimir Putin, in investigations into the unexplained wealth they have amassed over the years; whereas the Moscow Prosecutor's Office is seeking to label the FBK and two other organisations tied to Navalny — the Citizens' Rights Protection Foundation and Navalny's regional headquarters — as 'extremist', which would mean that their employees could face arrest and prison sentences ranging from six to ten years;

P. whereas the poisoning of Navalny fits in with a pattern of action taken against Putin's opponents, affecting Viktor Yushchenko, Sergei Skripal and Vladimir Kara-Murza and leading to the death of several leading opposition figures, journalists, activists and foreign leaders, including but not limited to Boris Nemtsov, Anna Politkovskaya, Sergei Protazanov, Natalya Estemirova and Alexander Litvinenko;

Q. whereas the Russian Federation poses not only an external threat to European security, but is also waging an internal war on its own people in the form of the systematic oppression of the opposition and arrests on the streets; whereas on 21 April 2021 alone, the number of arrests of peaceful demonstrators reached more than 1 788, which adds up to an overall number of more than 15 000 innocent Russian citizens detained since January 2021;

R. whereas in its two previous resolutions on Russia, Parliament called for a review of the EU's policy towards Russia and its five guiding principles and asked the Council to immediately start preparations and adopt an EU strategy for future relations with a democratic Russia, which would include a broad range of incentives and conditions to strengthen domestic trends within Russia towards freedom and democracy;

S. whereas the Czech Republic expelled 18 Russian embassy staff on 17 April 2021, including members of the Russian intelligence agencies, over the well-founded conclusions of the Security Information Service of the Czech Republic that Russian active-duty intelligence officers were involved in an ammunition depot explosion in 2014 in which two Czech citizens were killed and extensive material damage was caused; whereas the lives and property of thousands of people living in the surrounding municipalities were ruthlessly put in danger; whereas these illegal actions on the territory of the Czech Republic constitute a critical violation of an EU Member State's sovereignty by a foreign power; whereas in response to the Czech Republic's expulsion of 18 of its embassy staff, the Russian Federation expelled 20 Czech diplomats, who were ordered to leave on 19 April 2021; whereas the Czech Republic decided to equal the number of

staff at the Russian embassy in the Czech Republic with the number of staff at the Czech embassy in Russia on 22 April 2021, following Russia's refusal to accept the expelled Czech diplomats back into the country and pursuant to Article 11 of the Vienna Convention on Diplomatic Relations, giving the Russian embassy until the end of May to comply;

T. whereas the same GRU agents involved in the explosion of the ammunition depot in the Czech Republic were also responsible for the attempted murder of Sergei and Yulia Skripal in the United Kingdom in 2018 using a military-grade Novichok nerve agent, which also led to the death of a British citizen; whereas GRU agents were also charged with the attempted murder of Emilian Gebrev, the owner of an arms factory, and two other people in Bulgaria in 2015; whereas Russia is non-cooperative in investigating these crimes committed on European Union territory, denies the involvement of the GRU in the poisoning of the Skripals and is sheltering key suspects;

1. Supports Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders; reiterates its strong support for the EU's policy of non-recognition of the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol; welcomes all of the restrictive measures taken by the EU as a consequence of the illegal annexation; calls for the immediate release of all illegally detained and imprisoned Ukrainian citizens in the Crimean peninsula and in Russia, and deplores the continued human rights violations perpetrated in Crimea and the occupied territories in eastern Ukraine, as well as the large-scale conferral of Russian nationality (passportisation) among citizens in those areas; underlines that Russian officials whose actions or inaction have enabled or resulted in war crimes in Ukraine will have to face international criminal justice;

2. Regrets the current state of EU-Russia relations caused by Russia's aggression and continued destabilisation of Ukraine, hostile behaviour towards and outright attacks on EU Member States and societies manifested, *inter alia*, through interference in election processes, the use of disinformation, deep fakes, malicious cyberattacks, sabotage and chemical weapons, and the significant deterioration in the human rights situation and respect for the right to freedom of expression, association and peaceful assembly in Russia; strongly condemns Russia's hostile behaviour in Europe and calls on its government to put an end to these activities, which violate international principles and norms and threaten stability in Europe, which prevents any pursuit of a positive bilateral agenda with this important neighbour;

3. Remains highly concerned by the large Russian military build-up at the border with Ukraine and in the illegally occupied Autonomous Republic of Crimea, which the Russian Ministry of Defence declared to have come to an end; condemns these threatening and destabilising actions led by the Russian Federation and acknowledges with appreciation the proportionate response of Ukraine;

4. Considers that the EU must draw conclusions from the deeply concerning Russian military build-up on the Ukrainian border, which has been suspended as of Friday, 23 April 2021; insists that the return of Russian troops from the border with Ukraine back to their permanent bases must be done fully and without delay; demands that Russia immediately end the practice of unjustified military build-ups targeted at threatening its neighbours, stop all ongoing provocations and refrain from future ones and de-escalate the situation by withdrawing its forces to their permanent bases, in line with its international obligations, such as the OSCE principles and commitments on transparency of military movements and the Vienna Document; reiterates that the Russian military build-up also presents a threat to European stability, security and peace, which is why an EU security dialogue with Ukraine should be ambitious and contribute to a convergent assessment of the security challenges on the ground; stresses that friendly countries should step up their military support to Ukraine and their provision of defensive weapons, which is in line with Article 51 of the UN Charter that allows individual and collective self-defence; calls on Russia to remove its troops from the so-called People's Republics of Luhansk and Donetsk and return control of the Autonomous Republic of Crimea and the City of Sevastopol to Ukraine;

5. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to ensure that the Council remains seized of the military developments despite the announced relocation of Russian troops and remains prepared to agree on further joint action;

6. Urges Russia to uphold its obligation under the UN Convention on the Law of the Sea and to guarantee the freedom of navigation and transit passage through the international strait to the ports of the Sea of Azov; calls for the EU to develop, in close cooperation with Member States and other international partners, the permanent monitoring of the passage of all vessels coming through the Kerch Strait;

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7. Urges Russia and Russian-backed separatists to adhere to the ceasefire agreement; calls on Russia to implement the provisions of the Minsk Agreements, and to engage constructively in the Normandy Process and the Trilateral Contact Group; emphasises the need for a political solution to the conflict in eastern Ukraine and a stronger role for the EU in peaceful conflict resolution;

8. Underscores that if such a military build-up were in the future to be transformed into an invasion of Ukraine by the Russian Federation, the EU must make clear that the price for such a violation of international law and norms would be severe; insists, therefore, that in such circumstances imports of oil and gas from Russia to the EU be immediately stopped, while Russia should be excluded from the SWIFT payment system, and all assets in the EU of oligarchs close to the Russian authorities and their families in the EU need to be frozen and their visas cancelled;

9. Demands that the EU should reduce its dependence on Russian energy, and urges the EU institutions and all Member States, therefore, to stop the completion of the Nord Stream 2 pipeline and to demand a stop to the construction of controversial nuclear power plants built by Rosatom;

10. Reiterates its support for the international investigation into the circumstances of the tragic downing of the Malaysian Airlines Flight MH17, which could possibly constitute a war crime, and reiterates its call to bring the people responsible to justice;

11. Calls for the EU and its Member States to draw on the UK legislative proposal for a Global Anti-Corruption Sanctions Regulation, and other similar regimes, and to adopt an EU anti-corruption sanctions regime in order to complement the current EU Global Human Rights Sanctions Regime; underlines that EU Member States should no longer be welcoming places for Russian wealth and investments of unclear origin; calls on the Commission and the Council to increase efforts to curb the Kremlin's strategic investments within the EU for the purposes of subversion, undermining democratic processes and institutions, and spreading corruption; continues to insist that Member States such as Bulgaria and Malta must abandon their 'golden passport' regimes;

12. Calls for the immediate and unconditional release of Alexei Navalny, whose sentencing is politically motivated and runs counter to Russia's international human rights obligations, and of all persons detained during protests in support of his release or his anti-corruption campaign; expects Russia to comply with the interim measure of the European Court of Human Rights with regard to the nature and extent of risk to Alexei Navalny's life; holds Russia accountable for the health situation of Alexei Navalny and urges Russia to investigate the assassination attempt on Alexei Navalny, fully cooperating with the Organisation for the Prohibition of Chemical Weapons; calls on the Russian authorities to improve conditions in prisons and detention facilities in order to meet international standards; calls for the arrests of peaceful protesters and the systematic attacks on the opposition in relation to the demands to free Alexei Navalny to be stopped; underscores that all individuals involved in the prosecution, sentencing and ill-treatment of Alexei Navalny should be subject to sanctions under the EU Global Human Rights Sanctions Regime;

13. Reminds the Russian authorities and President Putin personally as the head of the Russian state that they bear full responsibility for caring for Alexei Navalny's life and bodily integrity and must take all necessary measures to protect his physical and mental health and well-being; continues to urge President Putin and the Russian authorities to investigate, bring to justice and hold to account those responsible for his attempted murder;

14. Deplores the Russian authorities' intention to declare the Anti-Corruption Foundation headed by Alexei Navalny an extremist organisation as baseless and discriminatory; emphasises the fight against corruption and that the desire to participate in a free and pluralistic public discourse and electoral process is an inalienable right of any individual and democratic political organisation and has nothing to do with extremist views;

15. Expresses its deep solidarity with the democratic forces in Russia committed to an open and free society, as well as its support for all individuals and organisations who have become targets of attacks and repression; urges the Russian authorities to stop all harassment, intimidation and attacks against the opposition, civil society, the media, human rights and women's rights defenders, and other activists in the country, in particular ahead of the parliamentary elections in autumn 2021; encourages the EU to continuously call on Russia to repeal or amend all laws that are incompatible with international standards; recalls its strong support for all human rights defenders in Russia and their work; calls on the EU Delegation and Member States' representations in the country to strengthen their support for civil society and to use all the

instruments available to step up their support for the work of human rights defenders and, where appropriate, to facilitate the issuance of emergency visas and provide temporary shelter in the EU Member States;

16. Calls on the Russian authorities to respect the freedom of the media and to cease any harassment and pressure on independent media, such as against investigative journalist Roman Anin;

17. Reiterates its call for the EU institutions and the Member States to continue closely monitoring the human rights situation in the Russian Federation and to continue monitoring court cases involving civil society organisations, journalists, opposition politicians and activists, including the case of Alexei Navalny;

18. Deplores the fact that perpetrators from the Russian intelligence services caused the explosion of the arms depot in Vrbětice in the Czech Republic, which constituted a violation of Czech sovereignty and represents an unacceptable act of hostility; strongly condemns activities aimed at destabilising and threatening EU Member States and calls on Russia to cease any such activities, to hold those responsible to account, and to compensate the families of the citizens who died in the 2014 attack; underlines that the European Union stands by the Czech Republic and calls on the VP/HR and the Council to take appropriate countermeasures, including extending targeted sanctions; expresses its deep solidarity with the people and authorities of the Czech Republic following the Russian attack perpetrated on EU territory and the unfounded and disproportionate expulsion of 20 Czech diplomats from Russia; expresses its support for the decision of the Czech authorities to equal the number of the staff at the Russian embassy in the Czech Republic with the number of staff at the Czech embassy in Russia, condemns the subsequent threats by the Russian Federation towards the Czech Republic and appreciates all acts of support and solidarity provided by different governments of EU Member States and all diplomatic services already offered; calls on the EU Member States, following the example of the Skripal case, to proceed with a coordinated expulsion of Russian diplomats;

19. Condemns the Kremlin's support for undemocratic oppressive regimes worldwide, such as those of Iran, North Korea, Venezuela, Syria and Belarus; is deeply worried about the growing number of arrests, abductions and deportations of Belarusians living in Russia, including the case of the chairman of the opposition Belarusian Popular Front and ordinary people who were vocal in supporting the peaceful protests in Belarus; is especially concerned about the Russian-backed campaign targeting EU national minority organisations in Belarus, including the largest one, the Union of Poles in Belarus;

20. Condemns propaganda and disinformation in the Russian press and its malicious spread to the EU, as well as the work of Russian troll farms, especially those currently defaming the Czech Republic by claiming that it is a satellite of US interests and not a sovereign country with independent information services; condemns the cyberattacks on the Czech strategic state administration institution in connection with Russian military espionage;

21. Reiterates that unity among EU Member States is the best policy to deter Russia from carrying out destabilising and subversive actions in Europe; calls on the Member States to coordinate their positions and actions vis-à-vis Russia and to speak with a unified voice; demands that the Member States speak with one voice within the Committee of Ministers of the Council of Europe on Russia's continued disregard of rulings by the European Court of Human Rights; considers that the EU should seek further cooperation with like-minded partners, in particular NATO and the US, to use all means available at international level to effectively counter Russia's continued interferences, ever-more aggressive disinformation campaigns and gross violations of international law that threaten security and stability in Europe;

22. Calls on the EU Member States to act in a timely manner and with resolve against disruptive actions by Russian intelligence services on the territory of the EU and to closely coordinate its proportionate response with transatlantic partners; recommends that the Member States enhance counterintelligence cooperation and information-sharing;

23. Calls on the VP/HR and the Council to devise a new strategic approach to the EU's relations with Russia, which must better support civil society, strengthen people-to-people contacts with the citizens of Russia, draw clear red lines for cooperation with Russian state actors, use technological standards and the open internet to support free spaces and restrict oppressive technologies, and demonstrate solidarity with the EU's Eastern Partners, including on security issues and peaceful conflict resolution; underlines that any dialogue with Russia must be based on respect for international law and human rights;

24. Is extremely concerned about the fact that the Russian authorities are continuing to restrict the work of independent media platforms, as well as individual journalists and other media players; strongly condemns, in this regard, the decision to label independent media outlet Meduza a 'foreign agent';

25. 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 Council of Europe, the Organization for Security and Co-operation in Europe, the President, Government and Verkhovna Rada of Ukraine and the President, Government and the State Duma of the Russian Federation.

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P9_TA(2021)0160

5th anniversary of the Peace Agreement in Colombia

European Parliament resolution of 29 April 2021 on the fifth anniversary of the Peace Agreement in Colombia (2021/2643(RSP))

(2021/C 506/14)

The European Parliament,

— having regard to its previous resolutions, in particular its resolution of 20 January 2016 in support of the peace process in Colombia ([1]),

— having regard to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part ([2]), signed in Brussels on 26 July 2012, and the Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver ([3]), signed on 2 December 2015,

— having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, of 1 October 2015 appointing Eamon Gilmore as EU Special Envoy for the Peace Process in Colombia,

— having regard to the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace between the National Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP), signed on 24 November 2016,

— having regard to the UN Secretary-General's reports on the United Nations Verification Mission in Colombia and, in particular, the report of 26 March 2021,

— having regard to the annual report of the UN High Commissioner for Human Rights of 10 February 2021 on the situation of human rights in Colombia,

— having regard to the joint statement of 9 February 2021 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Josep Borrell, and Commissioner Janez Lenarčič on Colombia's decision to grant Temporary Protection Status to Venezuelan migrants, and the statement by the spokesperson for the VP/HR of 26 February 2021 on violence against human rights defenders in Colombia,

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

A. whereas in November 2021 Colombia will mark the fifth anniversary of the signing of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace between the Government of Colombia led by President Juan Manuel Santos and the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP), which put an end to a conflict of more than 50 years and represents a significant step in the construction of a stable and lasting peace in the country; whereas Colombia has maintained its democratic integrity despite lengthy periods of exceptional violence;

B. whereas the Constitutional Court of Colombia has estimated that it will take at least 15 years to comply with the Final Agreement, the 10-year planning of the Single Roadmap, and the current four-year Multi-Year Peace Investment Plan with resources of nearly USD 11,5 billion;

([1]) OJ C 11, 12.1.2018, p. 79.
([2]) OJ L 354, 21.12.2012, p. 3.
([3]) OJ L 333, 19.12.2015, p. 3.

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C. whereas the President of Colombia, Iván Duque, and the President of the Comunes Party (formerly the FARC Party), Rodrigo Londoño, met on 10 March 2021 to discuss the status of the implementation of the Final Agreement; whereas at the dialogue facilitated by the Special Representative of the UN Secretary-General for Colombia and Head of the United Nations Verification Mission in Colombia, both parties reiterated their commitment to the Final Agreement, and agreed to work jointly to design a road map for the remainder of the time frame envisioned for its comprehensive implementation, as well as to redouble their efforts to strengthen the reintegration of, and security guarantees for, former combatants;

D. whereas former guerrilla fighters are also moving forward in their process to reintegrate into civilian life, and whereas the legal and constitutional system in Colombia is adopting precise reforms to ensure the agreement commitments are implemented and the future of the country can be built on them;

E. whereas in the Final Agreement, the parties agreed to set up a Special Jurisdiction for Peace (JEP), including the implementation of a Comprehensive System for Truth, Justice, Reparation and Non-Repetition, as well as agreements on reparations for victims, among others, as acknowledged by the report of the UN High Commissioner for Human Rights, Michelle Bachelet, of 10 February 2021; whereas Colombia faces complex challenges in the comprehensive implementation of the Final Agreement, exacerbated by the COVID-19 situation and the arrival and reception of Venezuelan migrants;

F. whereas on 26 January 2021, Colombia's JEP announced its first major decision, accusing eight top leaders of the former FARC-EP of war crimes and crimes against humanity, in what has been the clearest result so far for transitional justice in the country; whereas it has also confirmed progress in the investigation of the so-called 'false positives'; whereas the JEP has begun actions to make progress towards the establishment of a permanent and fluid dialogue with the indigenous authorities;

G. whereas there continue to be important advances which provide an example as to the transformative potential of the Peace Agreement, which includes, for the first time ever, a specific gender approach; whereas there should be more advances in the Comprehensive Programme for safeguards for women leaders, human rights defenders and programmes to support women and girls who are victims of violence including rape and kidnapping; whereas, given the interconnected nature of the different chapters of the agreement, it is of utmost importance to actively integrate the gender approach in all areas;

H. whereas despite the fact that peace talks have led to a significant reduction in the number of deaths and in violence in Colombia, the breakdown in security across different regions of Colombia is widely considered to be an obstacle to the peace process, with a worrying rise in violence, enforced disappearances, kidnappings and killings of social and indigenous leaders, former FARC combatants and human rights defenders, as reported by the UN; whereas security forces are also subject to attacks and violence;

I. whereas the UN Verification Mission verified the killing of 73 former combatants in 2020, bringing to 248 the number of ex-combatants killed since the signing of the peace agreement in 2016; whereas the Office of the High Commissioner for Human Rights (OHCHR) received information about the killing of 120 human rights defenders in the past year, 53 cases of which had been verified; whereas, in addition, it recorded 69 incidents with large numbers of civilian casualties in 2020, accounting for the deaths of 269 civilians, including 24 children and 19 women; whereas the UN has reported that greater efforts are needed in order to implement the Peace Agreement;

J. whereas addressing the persistent violence against former combatants, conflict-affected communities, social leaders, and human rights defenders, the need to enhance the sustainability of the reintegration process, the consolidation of an integrated state presence in conflict-affected areas, reinforcing constructive dialogue between the parties as a means of promoting the implementation of the peace agreement and the need to strengthen conditions for reconciliation between the parties have been set as priorities by the UN Secretary-General;

K. whereas in 2017, the Colombian Government initiated formal peace talks with the National Liberation Army (ELN); whereas in January 2019, however shortly after the ELN exploded a car bomb at a police academy in Bogotá that killed 22 people, the Government of President Iván Duque ended the peace talks; whereas conflict dynamics involving the ELN, including clashes with other illegal armed actors and with the public security forces, continue in certain departments; whereas the government insists that the possibility of resuming talks is contingent on the ELN ceasing its

violent actions, including kidnapping, the recruitment of children and the laying of mines, while the ELN maintains its position that any such request by the government must be addressed at the negotiating table;

L. whereas the significant decision made by the President of Colombia, Iván Duque Márquez, to show solidarity by offering Temporary Protection Status to and regularising approximately 1 800 000 Venezuelan migrants resident in the country, through temporary migratory permits, will enable them to register and strengthen their access to state services, such as health and education, and their socio-economic integration, thereby reducing their vulnerability; whereas Colombia and Venezuela share more than 2 000 kilometres of porous border; whereas the border between Colombia and Venezuela consists mainly of dense forest and difficult terrain, making it prone to illicit activities and organised crime;

M. whereas the EU Trust Fund for Colombia has mobilised EUR 128 million from the EU budget, 21 Member States, Chile and the UK; whereas its fifth strategic committee defined its future strategic lines on 22 January 2021;

N. whereas civil society plays a key role in the peace process, bringing together human rights defence organisations, women's organisations, rural communities, Afro-Colombian communities and indigenous groups, which have developed a number of initiatives and proposals at local, regional and national levels;

O. whereas the EU and Colombia maintain a framework of close political, economic and trade cooperation established in the Memorandum of Understanding of November 2009 and the Trade Agreement between Colombia and Peru and the EU and its Member States, the ultimate aim of which is not only to promote economic relations between the parties, but also to consolidate peace, democracy and respect for human rights, sustainable development and the well-being of their citizens; whereas Colombia is a strategic partner and is key to regional stability; whereas the EU and the Republic of Colombia established a framework for the participation of the Republic of Colombia in European Union crisis management operations, which entered into force on 1 March 2020;

P. whereas this close relationship also extends to areas of international cooperation on multilateral issues of common interest, such as the struggle for peace and the fight against terrorism and drug trafficking;

1. Reiterates its support for the Peace Agreement in Colombia and welcomes the recent dialogue that took place between the parties, while recognising their political effort, realism and perseverance; reiterates its readiness to continue providing all possible political and financial assistance to support the comprehensive implementation of the Peace Agreement, to accompany the post-conflict phase, in which the participation of local communities and civil society organisations continues to be essential, and to take due account of the priorities expressed by the victims in terms of truth, justice, reparations and guarantees of non-repetition; reiterates its solidarity with all the victims;

2. Highlights that the Colombian Peace Agreement is often cited as a model around the world because of its determination to address the issues that caused the conflict and its central focus on the rights and dignity of victims; recalls that all parts of such a complex, innovative agreement need to be implemented, as they are bound together in dealing with the root causes of the conflict; calls on the Colombian Government to continue making progress in implementing all aspects of the Peace Agreement;

3. Welcomes the progress made by Colombia in areas such as the Integral Rural Reform, the rural development programmes (PDET), upholding victims' rights, solving the problem of illicit drugs, substitution of illicit crops, restitution of land and reincorporation of former combatants, and encourages the deployment of additional efforts to implement all aspects of the Peace Agreement, in particular those socio-economic areas where less progress has been achieved; stresses how important it is for the peace process to be accompanied by a determined effort to combat inequality and poverty, including by finding fair solutions for people and communities forced off their lands; considers that groups that have suffered disproportionately from the conflict, such as Afro-Colombian and indigenous communities, must be given special support; recognises the work of the Territorial Councils for Peace, Reconciliation and Coexistence;

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4. Underlines the fundamental and historic role of the Development Plans with a Territorial Approach (PDET), formulated by the communities in the 170 municipalities most affected by abandonment, poverty and violence;

5. Welcomes all actions already taken by the JEP in order to create a future with peacebuilding and lack of impunity at its heart, and calls on the JEP to continue its significant efforts, despite the numerous challenges, including delays to the implementation of legislation; calls on the Colombian authorities to preserve the autonomy and independence of and to protect the Integrated System for Truth, Justice, Reparation and Non-Repetition as an essential contribution towards a sustainable and lasting peace;

6. Condemns the killings and the violence against human rights defenders, former FARC combatants and social and indigenous leaders; emphasises that addressing the persistent violence against them is one of the major challenges in Colombia; notes that the conflict has escalated in rural areas of the country and deplores the violence caused principally in those areas by illegal armed groups and organised crime linked to drug trafficking and illegal mining; notes that several cases of forced displacement, forced recruitment, sexual violence against children and women, massacres, torture and other atrocities, and attacks against ethnic communities and authorities, as well as affectation on the public authorities have been reported; calls for swift and thorough investigations and for those responsible to be held accountable; urges the Colombian state to increase and guarantee the protection and safety of social and political leaders, social activists and environmental and rural community defenders; sees with special concern the problematic situation in the department of Cauca, as raised in the UN declaration;

7. Recognises the efforts to combat the criminality of organised armed groups and other organisations; stresses the need for urgent measures to be taken to increase protection, and therefore calls for a stronger integrated state presence in the territories, and for the adoption by the National Commission for Security Guarantees of a public policy to dismantle criminal organisations; welcomes, with this in mind, the Strategic Security and Protection Plan for Reintegrating Persons;

8. Welcomes the extension of the Victims Law until 2031 and the increase in its budget, benefiting over nine million people who are registered in the Single Registry of Victims and the effective political participation of the FARC, now the Comunes Party, and the progress made in the reincorporation of nearly 14 000 former combatants; welcomes the land purchase by the government of seven of the 24 former Territorial Areas for Training and Reintegration (TATRs) and highlights the security deployment therein, in addition to the social protection measures that cover more than 13 000 ex-combatants;

9. Recognises the efforts made by the Colombian institutions and encourages them to make more progress in ensuring that human rights are fully and permanently upheld in line with its duty to guarantee the safety of its citizens; highlights the decrease in the homicide rate which dropped from 25 to 23,7 per 100 000 inhabitants between 2019 and 2020, as acknowledged by the report of the UN High Commissioner for Human Rights; recognises the government's commitment to the protection of social leaders, human rights defenders and former combatants, and remote communities;

10. Express its concern that despite their obligation to provide information on the drug trafficking routes and sources of financing that sustain the criminal groups that attack defenders, leaders and ex-combatants, to date, the former guerrillas have not provided it; notes its concern, likewise, that the deadline set for the delivery of the assets of the former FARC-EP to repair the victims expired on 31 December 2020, and that only 4 % of the agreed amount has been delivered;

11. Encourages the government to adopt all necessary measures in the current economic context to promote structural changes, as recommended by the UN, that would help to improve the overall situation and maximise the Peace Agreement's potential for a positive transformation of the Colombian human rights situation; calls on civic organisations to cooperate in restoring reconciled coexistence in Colombia;

12. Reiterates once again that violence is not a legitimate method of political struggle, and calls on those who have been of that conviction to embrace democracy with all its implications and requirements, involving, as a first step, the permanent abandonment of weapons and the defence of their ideas and aspirations through abiding by democratic rules and the rule of law; in this sense, calls on the ELN, listed as terrorist organisation by the EU, and dissident groups of the FARC-EP to end the violence and terrorist attacks against the population in Colombia and to commit firmly and decisively, without further delay, to peace in Colombia;

13. Highlights the progress in the clearance of 129 municipalities of anti-personnel mines and the extension of the deadline for their elimination until 2025;

14. Praises the remarkable and unprecedented step taken by Colombia to give Temporary Protection Status s to approximately 1 800 000 Venezuelan migrants resident in the country, which will contribute to guaranteeing the enjoyment and protection of their human rights and to reducing human suffering for the Venezuelan migrants in Colombia, while providing opportunities for better assistance, including on vaccination against COVID-19, protection and social integration; hopes that the EU's initiative of assisting regional efforts to cope with the migration crisis will pave the way for stronger support in line with Colombia's outstanding solidarity and calls on other members of the international community to come together to support Colombia in this process; calls to reinforce of the response to find a political and democratic solution to the crisis in Venezuela;

15. Calls on the Commission and the European Council to redouble political and financial support to Colombia within the framework of the new cooperation instruments during the new budget period;

16. Highlights the contribution of the EU, especially through the European Fund for Peace in Colombia, which focuses its resources on Integral Rural Reform and Reincorporation, with emphasis on PDET programmes and the formalisation of land ownership;

17. Highlights the participation of the private sector in the support of victims, reincorporation, the substitution of illicit crops and the 170 PDET municipalities; requests that the Commission deepen the synergy between the trade agreement and the new cooperation instruments aimed at guaranteeing access to the European market, exchange and investment in order to ensure the sustainability of the productive projects, the income of the beneficiary population and to reduce their vulnerability to crime and illicit economies;

18. Believes that the successful implementation of the 2016 Peace Agreement, as a contribution to global peace and stability, will continue to be a key priority of reinforced bilateral relations through the Memorandum of Understanding approved by the Council last January; along the same lines, encourages further cooperation between the EU and Colombia so as to enhance the livelihood of Colombian and EU citizens alike through enhancing synergies between the EU-Colombia Trade Partnership and the Peace Agreement; supports the prolongation of the mandate of the Special Envoy for Peace in Colombia;

19. Instructs its President to forward this resolution to the Council, the Commission, the rotating Presidency of the EU, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly and the Government and the Congress of Colombia.

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P9_TA(2021)0161

European Child Guarantee

European Parliament resolution of 29 April 2021 on the European Child Guarantee (2021/2605(RSP))

(2021/C 506/15)

The European Parliament,

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

— having regard to the objectives established under Article 3 TEU, in particular combating social exclusion and discrimination, promoting social justice, economic, social and territorial cohesion and the protection of the rights of the child,

— having regard to the horizontal social clause in Article 9 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to social policy objectives in Articles 151 and 153 TFEU,

— having regard to the revised European Social Charter,

— having regard to the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms as referred to in Article 6 TEU,

— having regard to the European Pillar of Social Rights (EPSR) and, in particular, to principles 1, 3, 4, 11, 14, 16, 17, 19, 20, and its 2030 headline targets,

— having regard to the Commission Communication on the EU Strategy on the Rights of the Child (COM(2021)0142),

— having regard to the Proposal for a Council Recommendation establishing the European Child Guarantee (COM(2021)0137),

— having regard to the European Pillar of Social Rights Action Plan,

— having regard to the UN Sustainable Development Goals (SDGs) in particular Goals 1, 2, 3, 4 and 10,

— having regard to International Labour Organization (ILO) conventions and recommendations,

— having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD),

— having regard to the Commission President Ursula von der Leyen's political guidelines,

— having regard to the Commission's adjusted work programme for 2020 (COM(2020)0440),

— having regard to the EU Framework for National Roma Integration Strategies (COM(2011)0173),

— having regard to its resolution of 21 January 2021 on access to decent and affordable housing for all [1],

— having regard to the proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus (ESF+) (COM(2018)0382),

— having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility [2],

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[1] Texts adopted, P9_TA(2021)0020.
[2] OJ L 57, 18.2.2021, p. 17.

— having regard Regulation (EU) 2020/2221 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU) ([3]),

— having regard to the Commission Feasibility Study on the Child Guarantee,

— having regard to written declaration 0042/2015 under Rule 136 of its Rules of Procedure on investing in children, adopted in March 2016,

— having regard to Council Recommendation on High-Quality Early Childhood Education and Care Systems,

— having regard to its resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child ([4]),

— having regard to its resolution of 24 October 2017 on minimum income policies as a tool for fighting poverty ([5]),

— having regard to its resolution of 24 November 2015 on reducing inequalities with a special focus on child poverty ([6]),

— having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ([7]),

— having regard to its resolution of 17 December 2020 on a strong and social Europe for just transitions ([8]),

— having regard to the UN Convention on the Rights of the Child of 20 November 1989,

— having regard to the General Comments of the UN Committee on the Rights of the Child ([9]),

— having regard to the UN Guidelines for the Alternative Care of Children, as enshrined in UN General Assembly resolution A/RES/64/142 of 24 February 2010,

— having regard to the declaration of the Committee of Ministers of the Council of Europe of 1 February 2012 on the rise of anti-Gypsyism and racist violence against Roma in Europe,

— having regard to the Commission communications adopted with the aim of creating a Union of Equality, in line with the 'Political Guidelines for the next European Commission 2019-2024', in particular its communications of 24 November 2020 entitled 'Action plan on Integration and Inclusion 2021-2027' (COM(2020)0758), of 18 September 2020 entitled 'A Union of equality: EU anti-racism action plan 2020-2025' (COM(2020)0565), of 5 March 2020 entitled 'A Union of Equality: Gender Equality Strategy 2020-2025' (COM(2020)0152), and of 12 November 2020 entitled 'Union of Equality: LGBTIQ Equality Strategy 2020-2025' (COM(2020)0698),

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([3]) OJ L 437, 28.12.2020, p. 30.
([4]) Texts adopted, P9_TA(2021)0090.
([5]) OJ C 346, 27.9.2018, p. 156.
([6]) OJ C 366, 27.10.2017, p. 19.
([7]) Texts adopted, P9_TA(2020)0054.
([8]) Texts adopted, P9_TA(2020)0371.
([9]) In particular, General Comments No. 5 on general measures of implementation of the Convention on the Rights of the Child, No. 6 on the treatment of unaccompanied and separated children outside their country of origin; No. 10 on children's rights in juvenile justice, No. 12 on the right of the child to be heard, No. 13 on the right of the child to freedom from all forms of violence, No. 14 on the right of the child to have his or her best interests taken as a primary consideration, No. 15 on the right of the child to the enjoyment of the highest attainable standard of health, and No.16 on State obligations regarding the impact of the business sector on children's rights.

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— having regard to its resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of UN Convention on the Rights of the Child ([10]),

— 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 ([11]),

— having regard to its resolution of 17 September 2020 entitled 'Implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe' ([12]),

— having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101),

— having regard to the Joint Declaration of the EPSCO ministers entitled 'Overcoming poverty and social exclusion — mitigating the impact of COVID-19 on families — working together to develop prospects for strong children',

— having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020 ([13]),

— having regard to the Commission Recommendation entitled 'Investing in children: breaking the cycle of disadvantage (2013/112/EU)' ([14]),

— having regard to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU,

— having regard to the UN policy brief of 15 April 2020 entitled 'The impact of COVID-19 on children',

— having regard to the Commission Recommendation on the active inclusion of people excluded from the labour market 2008/867/EC of 3 October 2008,

— having regard to the Council Recommendation on the integration of the long-term unemployed into the labour market,

— having regard to the Council Recommendation on access to social protection,

— having regard to the new Skills Agenda,

— having regard to the questions for oral answer to the Council and to the Commission on the European Child Guarantee (O-000025/2021 — B9-0012/2021 and O-000026/2021 — B9-0013/2021),

— 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 Employment and Social Affairs,

A. whereas the proposal for a Council Recommendation establishing the European Child Guarantee must complement the EU Strategy on the Rights of the Child, both adopted on 24 March 2021; whereas the EU Strategy on the Rights of the Child brings together all current and future initiatives on children's rights under one coherent policy framework, and puts forward recommendations for both internal and external EU action;

([10]) Texts adopted, P9_TA(2019)0066.
([11]) OJ C 449, 23.12.2020, p. 2.
([12]) Texts adopted, P9_TA(2020)0229.
([13]) Texts adopted, P9_TA(2020)0156.
([14]) OJ L 59, 2.3.2013.

B. whereas child poverty has been identified by international organisations, such as the Council of Europe, and NGOs, such as UNICEF, as both a potential cause for children's rights violations and a potential outcome of those violations, through the impact it has on children's ability to exercise their rights, as and a result of the failure to uphold the aforementioned rights;

C. whereas children growing up with a scarcity of resources and precarious family situations are more likely to experience poverty and social exclusion, with far-reaching impacts on their development and later adulthood, lack access to adequate skills and have limited employment options, propagating a vicious circle of inter-generational poverty;

D. whereas the six categories identified in the Child Guarantee proposal are those most at risk, who need immediate concern and care; whereas the objectives of the Guarantee should be understood to apply, as much as possible, to all children in the Union;

E. whereas the issue of child-poverty and social exclusion are pervasive problems found across all societies, best addressed by comprehensive and broad policies, narrow in application and broad in scope, targeting both children but also their families and communities, and by prioritising investments in the creation of new opportunities and solutions; whereas all sectors of society must be involved in solving these problems, from local, regional, national and European authorities to civil society and the private sector;

F. whereas research shows that investment in children, for example in high quality early childhood education and care, can yield a return on investment at societal level at least four times higher than the original costs of the investments, without taking into account the wider benefits for businesses in terms of skilled labourers, or for welfare systems that are unburdened from further expenses for children that have access to social inclusion measures ([15]); whereas budgetary procedures should recognise investment in children as a separate investment category, distinct from regular social expenditure;

G. whereas in 2019, 22,2 % of children in the EU — almost 18 million children — were at risk of poverty or social exclusion; whereas children from low-income families, homeless children, children with a disability, children with a migrant background, children with a minority ethnic background, particularly Roma children, children in institutional care, children in precarious family situations, single-parent families, LGBTIQ+ families, and families where parents are away to work abroad face serious difficulties, such as severe housing deprivation or overcrowding, barriers in accessing fundamental and basic services, such as adequate nutrition and decent housing, which are key for their well-being and the development of social, cognitive, and emotional skills; whereas properly heated housing with safe water and sanitation, and housing in general, are key for children's health, well-being, growth and development; whereas adequate housing is also conducive to children learning and studying;

H. whereas the number of children with disabilities is unknown due to a lack of statistics, but may be in the region of 15 % of the total number of children in the Union; whereas children with disabilities should fully enjoy all human rights and fundamental freedoms on an equal basis with other children, including the right to grow up in their families or a family environment in line with their best interests as defined in the Convention on the Rights of the Child; whereas family members often have to reduce or stop professional activities in order to care for family members with a disability; whereas the Commission Feasibility Study for a Child Guarantee (intermediate report) points out that the main barriers identified for children with disabilities are problems involving physical access, the non-adaptation of services and facilities to children's needs and, in many cases, simply the lack of availability thereof; whereas in the same study many respondents pointed to problems of discrimination, specifically in problems relating to education, and of affordability in housing;

I. whereas children's rights cannot be upheld without the successful implementation of the UN SDGs and vice versa;

J. whereas all children have the right to protection from poverty, which clearly means there is a need for preventive policies; whereas Parliament and European civil society have called for the creation of a Child Guarantee to ensure that

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([15]) University of Pennsylvania Study on High Return on Investment (ROI): https://www.impact.upenn.edu/early-childhood-toolkit/why-invest/what-is-the-return-on-investment/

each child living in poverty has effective and free access to quality and free healthcare, education, early childhood education and care, and effective access to decent housing and adequate nutrition; whereas the European Union Agency for Fundamental Rights (FRA) has highlighted that fighting child poverty is also a matter of fundamental rights and legal obligations ([16]);

K. whereas eradicating child poverty necessarily implies that children's parents or caregivers have access to work with rights, with decent wages and secure and stable working arrangements;

L. whereas this proposal offers concrete guidance to Member States for guaranteeing effective and free access to education and school-based activities, early childhood education and care (ECEC), healthcare, sports, leisure and cultural activities for every child, and for those in need in particular; whereas Member States should promote policies to ensure accessible and affordable housing for children in need, and healthy nutrition, to address poverty and foster equal opportunities for all children at the national, regional and local level; whereas every child has the right to play;

M. whereas the COVID-19 pandemic has exacerbated the situation of children at risk of poverty and social exclusion putting millions of children and families in an even more precarious socio-economic situation; whereas as a consequence of the pandemic, it is estimated that the number of children living below their respective national poverty lines could soar by as many as 117 million, and a further approximately 150 million children worldwide are living in multidimensional poverty; whereas low- and middle-income individuals and families are at a higher risk of poverty when unemployment increases; whereas they are also at higher risk of severe housing deprivation, housing insecurity, over-indebtedness, eviction and homelessness; whereas these figures are expected to grow exponentially due to the COVID-19 pandemic and its socio-economic consequences, which will affect millions of children in Europe throughout their lives; whereas the COVID-19 crisis has worsened the situation of marginalised children living in overcrowded and inhuman conditions with limited access to healthcare, drinking water, sanitation and food, putting them at greater risk of contracting the virus;

N. whereas the shift to distance learning accelerated in 2020 due to the COVID 19 pandemic, and thus the lack of access to an internet connection, digital tools and infrastructure have particularly excluded very young children with special needs, those living in poverty, in marginalised communities and in remote and rural areas including outlying regions and territories; whereas there has been an alarming rise in the number of children whose parents lost their accommodation or jobs, and in the number of children who were deprived of their most nutritious daily meal, as well as access of after-school services such as sports, leisure, artistic and cultural activities, which nurture their development and well-being; whereas the lack of access to digital solutions and opportunities for digital education can severely restrict later access to education and employment for young people, depriving them of better labour market opportunities, and also depriving European businesses of potential workers; whereas there is therefore a need to invest in digital education solutions; whereas digital solutions and other assistive technologies for children with disabilities can enable and accelerate the process of social inclusion and later-life access to more opportunities; whereas, therefore, equal access is key in this regard;

O. whereas children with disabilities in the EU are disproportionately more likely to be placed in institutional care than children without disabilities, and appear far less likely to benefit from efforts to enable a transition from institutional to family-based care; whereas children with disabilities are still segregated in education by being placed in special schools, and face physical and other barriers that prevent them from benefiting from inclusive education; whereas the COVID-19 pandemic has left many children with intellectual disabilities without the possibility to carry on with their education as online education is often not suitable for their special needs;

P. whereas the Union can play a key role in the overall fight against child poverty and social exclusion of all children, including the six key categories identified by the Commission;

([16]) European Union Agency for Fundamental Rights, 'Combatting child poverty: An issue of fundamental rights', Publications Office of the European Union, Luxembourg, 2018.

Q. whereas children of mobile EU citizens often fall between the gaps in national legislations; whereas while labour migration reduces poverty in the short term, it leads to children being left behind, which can exacerbate their social underdevelopment and lead to precarity, with children of migrant parents who are still residing in their country of origin facing greater chances of being marginalised, mistreated and abused, which is particularly relevant for intra-EU labour mobility ([17]);

R. whereas the Child Guarantee is one of the flagship social policy initiatives listed in Commission's political guidelines and the Commission Work Programme 2021, and must be further boosted in the future by ambitious policies and targets; whereas this issue must be on the agenda of the Conference for the Future of Europe; whereas the EPSR and the 2013 Commission Recommendation 'Investing in Children: Breaking the cycle of disadvantage' remain important guiding principles for reducing child poverty, improving child well-being, and providing a stable future, while reducing early school leaving; whereas in the Action Plan on implementing the EPSR the Commission has set a target of reducing the number of people at risk of poverty or social exclusion in the EU by at least 15 million by 2030 — including at least 5 million children; whereas negative gender stereotypes and social conditioning leading to the so called 'dream gap' or 'entitlement gap' and a lack of women's representation in leadership positions condition girls' career and education choices from an early age, and therefore contribute to increasing inequality and gender segmentation between men and women in certain sectors of the job market, in particular science, technology, engineering, and mathematics (STEM) careers;

S. whereas local and regional authorities are at the forefront of work to tackle child poverty and exploitation, and therefore have a crucial responsibility in preventing marginalisation and social exclusion; whereas national authorities should provide them with sufficient means to meet these objectives, whenever appropriate;

1. Welcomes the Commission proposal for a Council recommendation establishing the Child Guarantee, whose objective is to prevent and combat poverty and social exclusion by guaranteeing free and effective access for children in need to key services such as early childhood education and care, educational and school-based activities, healthcare and at least one healthy meal per school day, and effective access for all children in need to healthy nutrition and adequate housing; calls on the Council and the Member States to be ambitious in the full and rapid adoption of the recommendation and in its implementation; expects the input contained in this resolution to be taken into account with a view to the adoption of the Council recommendation; stresses that the Child Guarantee aims at providing public support to prevent and combat social exclusion by guaranteeing access for children in need to a set of key services, which means that Member States should either organise and provide such services or provide adequate benefits so that parents or guardians of children in need are in a position to cover the cost of these services;

2. Welcomes the Commission communication on the EU strategy on the rights of the child and endorses its objectives of fulfilling the shared responsibility of respect for and the protection of the rights of every child, alongside a common project for healthier, resilient and fairer societies for all; acknowledges that the Commission proposal for a Council recommendation establishing a European Child Guarantee complements the strategy and focuses on children in need in establishing a European enabling framework to defend children's rights and put them at the top of the EU agenda; endorses its main goal to fight child poverty and social exclusion and to promote equal, inclusive opportunities and health; strongly supports the concrete guidance given to competent national and local authorities on providing children in need with effective and free access to a set of key services, such as free, quality early childhood education and care, educational and school-based activities, and healthcare, and effective access to adequate housing and healthy nutrition, on the same footing as their peers;

3. Calls for the EU and the Member States to tackle the structural problems causing child poverty and social exclusion by promoting a high level of employment and social inclusion, in particular among disadvantaged groups; calls on Member States to ensure the effective establishment of the European Child Guarantee across the Union by mainstreaming the guarantee across all policy sectors, and urges them to make use of existing EU policies and funds for concrete measures that contribute to eradicating child poverty and social exclusion; stresses the importance of competent authorities at national,

([17]) UNICEF Study on the impact of parental deprivation on the children left behind by Moldovan migrants http://www.childrenleftbehind.eu/wp-content/uploads/2011/05/2008_UNICEF-CRIC-et.al_._Moldova_ParentalDeprivation1.pdf

regional and local level in guaranteeing effective and equal access to free and quality early childhood education and care, with a special focus on families with children with disabilities, educational, school-based and community-based activities, alongside sport, leisure and cultural activities, healthcare, as well as effective access to healthy nutrition, and adequate housing for all children in need; stresses also that the competent authorities at national, regional and local level should be informed, trained and supported in securing EU funding; calls on the Member States to safeguard children's right to adequate housing, by providing related support to parents having difficulties with maintaining or accessing housing so that they can remain with their children, with a particular focus on young adults exiting child welfare institutions;

4. Believes that it is crucial to make considerable investments in children in order to eradicate child poverty and to enable them to grow and enjoy their full rights in the EU; stresses that this requires a holistic approach to early childhood development, starting with the first 1 000 days, which should guarantee maternal health, including mental health, safety, security and responsive caregiving; calls on Member States to ensure a strategic and comprehensive approach to implementing the Child Guarantee through adequate policies and resources, including through labour market integration, work-life balance measures for parents and guardians, and income support for families and households, so that financial barriers do not prevent children from accessing quality and inclusive services; calls for an overarching European anti-poverty strategy, with ambitious targets for reducing poverty and homelessness and ending extreme poverty in Europe by 2030, especially among children, in line with the principles laid down in the EPSR and the UN SDGs and building on the headline targets set out in the EPSR Action Plan;

5. Welcomes the fact that the views and suggestions of over 10 000 children have been taken on board in preparing the EU Strategy on the Rights of the Child; calls on the Commission to ensure that children's voices, as well as those of their representative organisations, are heard in the implementation and monitoring of the Child Guarantee at national, regional and local level, by enabling them to be full participants in meaningful and inclusive public dialogue and consultation and have their say on matters that concern them at EU level, as was the case in the 2020 Forum on the Rights of the Child; calls, in this respect, on all Member States to specifically task a public authority, for example a children's commissioner or ombudsman, with measuring the effects on children of national and regional legislation and of the national measures to implement the Child Guarantee, as well as generally promoting children's rights in public policy, and calls on the Commission to examine the possibility of establishing a European Authority for Children to support and monitor Member States' implementation of the recommendation, coordinate national work, ensure the exchange of good practices and innovative solutions, and streamline reporting and recommendations;

6. Calls on the Member States to prioritise funding for children's rights according to the needs identified at national and regional level and strongly encourages them to go beyond the predefined allocations in EU funding schemes; calls on the Member States to inform, train and support local and regional authorities in securing EU funding; calls on Member States to ensure a coordinated approach in the programming and implementation of EU funds, and to speed up their implementation and dedicate all possible national resources, complemented by EU funds such as the European Social Fund Plus (ESF+), Recovery Assistance for Cohesion and the Territories of Europe (React-EU), the Recovery and Resilience Facility (RRF), the European Regional Development Fund (ERDF), InvestEU, Erasmus+, the Asylum and Migration Fund (AMF) and EU4Health, to the fight against child poverty and social exclusion; recalls that Member States must include dedicated measures investing in children and young people in their national recovery and resilience plans in order to access the fund, as per the 'Next Generation' pillar of the RRF; recalls the possibilities afforded by Next Generation EU to provide financial support also to organisations, for example NGOs and charities, and social help to families in need; calls, in this regard, on all Member States, not only those most affected by child poverty, to allocate at least 5 % of the ESF+ resources under shared management to supporting activities under the European Child Guarantee;

7. Calls on the Member States to take into account the particular situation of children in need, particularly those experiencing specific disadvantages within this group, when implementing the Child Guarantee; stresses that the Child Guarantee should contribute to the achievement of the goal of the UN Convention on the Rights of Persons with Disabilities of transitioning from institutional to family or community-based care; calls on the Member States to mainstream a gender-sensitive and intersectional approach throughout their implementation of the Child Guarantee;

8. Believes that the Child Guarantee should become a permanent instrument to prevent and tackle child poverty in a structural manner in the EU; highlights the self-evident interconnection between Next Generation EU and the Child Guarantee as EU instruments for investing in the future generations and calls, therefore, for a strengthening of the synergies between the two Union programmes, also with a view to implementing fully and meaningfully the EPSR and the European Strategy on the Rights of the Child;

9. Highlights that Member States should both establish multi-annual national strategies on poverty reduction, as also defined in enabling condition 4.3 of the forthcoming Common Provisions Regulation for tackling child poverty and social exclusion, and ensure that the Child Guarantee national action plans are their concrete deliverables;

10. Calls on the Member States to eliminate all discrimination in access to free and quality childcare, education, healthcare, as well as adequate housing and healthy nutrition, and recreational activities, in order to guarantee full respect for applicable EU and national anti-discrimination law; calls for the urgent resumption of negotiations on the horizontal anti-discrimination directive as a key tool in this regard; encourages Member States to invest adequate resources in ending school class segregation and to promote inclusion in order to provide children with an equal start in life so as to break the poverty cycle as early as possible;

11. Recalls that access to running water and sanitation varies considerably across the Union, with an average connection to sewerage systems of 80 % to 90 % in northern, southern and central Europe, and a much lower average connection to sewerage and water treatment systems of 64 % in Eastern Europe ([18]); highlights that a lack of access to social housing is a barrier for income-poor children; expresses concern that for too many children basic water, sanitation and hygiene facilities remain out of reach and that the lack of access to basic sanitation services is particularly acute among the most vulnerable and marginalised children; calls on the Member States to ensure that every child has access to running water, sanitation and personal hygiene facilities, both at home and at school;

12. Calls on Member States to prioritise the provision of permanent housing to homeless children and their families, and to include housing solutions for children experiencing homelessness and severe housing exclusion in their national Child Guarantee action plans;

13. Points to the city-specific challenges of child poverty, in particular with a view to addressing the serious situation in the most deprived urban areas, which risks being overlooked in the absence of multifaceted and quality indicators able to grasp the reality on the ground; stresses the need to dedicate specific measures and resources to this area, with a view to putting in place quality, accessible and inclusive services for children in need and their families living in urban areas; stresses the need to involve local and regional authorities and municipalities, as well as civil society actors, in all phases of the implementation of the Child Guarantee;

14. Calls on the Member States to work towards achieving the targets set for the European Education Area (COM(2020)0625) and to continue to fully implement all relevant actions recommended in the Action Plan on Integration and Inclusion 2021-2027 (COM(2020)0758) in the area of education and training; calls on the Member States to nominate competent national coordinators equipped with adequate resources and a strong mandate, and with cross-departmental competence, without delay; calls for these coordinators to duly report every two years on the progress made on all aspects of the Child Guarantee and to regularly exchange best practices with their national counterparts; calls on the Commission to ensure reinforced institutional coordination;

15. Calls on the Commission and the Member States to support the creation and reinforcement of universal public childcare, education and healthcare networks, with high quality standards;

16. Calls on the Commission, in accordance with its EPSR Action Plan, to put forward a proposal for the revision of the Barcelona targets and the ECEC quality framework in order to support further upward convergence among Member States in the field of ECEC; stresses the need for EU initiatives to support online and distance learning for more flexible and inclusive primary and secondary education, while preserving face-to-face learning as the primary education method with guaranteed accessibility for all children, specifically children with disabilities; calls on the Member States to bridge the digital divide by scaling up and prioritising internet connectivity in remote and rural areas, as 10 % of households in the EU are still lacking internet access; calls for a public-private partnership at pan-European level for investing in reducing the digital divide and empowering children through digital and entrepreneurial skills; stresses the importance of equal access to digital

([18]) https://www.eea.europa.eu/data-and-maps/indicators/urban-waste-water-treatment/urban-waste-water-treatment-assessment-5

infrastructure and skills for children, teachers and parents alike, in both urban and rural settings, in order to avoid a digital divide, as well for children in remote and outlying regions; calls on the Commission and the Member States to provide financial support to areas in need of technological upgrading and comprehensive digital training for both teachers and students, in order to enable them to adapt to new technologies;

17. Calls on Member States to urgently address learning disruptions and educational inequalities caused by the COVID-19 crisis, both to enable children to learn remotely as swiftly as possible and to propose long-term solutions to structural inequalities; calls on the Member States to assess, implement and monitor access to education, particularly for children from vulnerable groups and backgrounds, and to ensure the same quality education during the pandemic, as well as to promote digital literacy and educational tools adapted to distance learning; is concerned that, in the context of the post-crisis recovery and the potential prolongation of the crisis, the need to tackle child poverty will increase and that poverty will have an ever greater impact on children as the most vulnerable group among the most disadvantaged; calls on Member States to prepare and prioritise immunisation solutions against COVID-19 for the categories of children identified by the guarantee, when they become widely available for children;

18. Recalls the key role that social economy enterprises and entrepreneurial activity with a social impact can play in helping to deliver the Child Guarantee and the need for investment in capacity building, access to finance, and entrepreneurial education and training in this area; stresses the need for synergies between the Child Guarantee and the forthcoming EU Action Plan for the Social Economy;

19. Believes that strategic investment with a social impact is crucial to ensure that the effect of the crisis on children, particularly those already experiencing or at risk of poverty and social inclusion and falling within the areas of specific disadvantage set out under the recommendation, does not become entrenched; stresses the importance of leveraging both public and private investment to achieve the aims of the guarantee and highlights the role of the InvestEU programme and fund in this regard, in particular through the social investment and skills and sustainable infrastructure policy windows;

20. Calls on the Commission and Member States to examine their current budgetary procedures related to social expenditure in order to highlight the distinct features investments in children can have over regular social expenditure when it comes to return, multipliers and opportunity costs;

21. Calls on the Member States to strengthen efforts to prevent harm from coming to children and to protect them from all forms of violence by developing strategies to identify and prioritise children at risk for prevention and response interventions in collaboration with parents, teachers, and health and community workers; calls on the Member States to prevent gender-based violence and to safeguard every child, giving special attention to girls and young women, by creating or strengthening monitoring and reporting mechanisms and specific services to respond to cases of gender-based violence;

22. Recalls that social protection and support to families is essential and calls on the competent national authorities to ensure adequate and accessible social protection systems and integrated child protection systems, including effective prevention, early intervention and family support, in order to ensure safety and security for children without or at risk of losing parental care, as well as measures to support the transition from institutional to quality family and community-based care; calls on the Member States to scale up investment in child protection systems and social welfare services as an important part of implementing the Child Guarantee; stresses that mental and physical health problems are widespread due to the current context of lockdowns, isolation and the educational environment and calls on the Member States to invest in the protection of the mental and physical health of children as a priority;

23. Calls for the Member States to provide social services, including those for the protection of minors, with sufficient financial, technical and human resources;

24. Calls on the Member States to work out specific strategies to protect children from online sexual abuse and exploitation, since in isolation children spend more time online which increases the risk of their exposure to online abuse, including child pornography and online bullying; urges Member States to conduct information campaigns for both parents and children regarding the dangers to which children are exposed in the online environment; calls on the Commission and the Member States to work closely with private sector operators to fund the development of new technologies to detect and eliminate materials containing child pornography and child sexual abuse;

25. Recalls that a comprehensive approach is essential for lifting children out of poverty, which must include individualised support for their parents; calls on the Member States to boost investment in sustainable jobs and social support to parents, including during maternity and parental leave, and to implement targeted employment policies that ensure a decent standard of living, fair working conditions, a good work-life balance, an inclusive labour market and higher employability, with a focus on vocational education and training, and up- and re-skilling; calls on Member States to include such measures in their national Child Guarantee action plans; highlights that free early childcare support must be put in place for the smooth resumption of work for parents; calls on all Member States to recognise periods of providing care to dependent children in pension schemes and to ensure both financial and professional support for people taking care of family members with disabilities who live in the same home; stresses that caring for their relatives can often have a negative impact on their family and professional life and can lead to exclusion and discrimination; calls on the Commission and the Member States to take specific measures to safeguard the wellbeing of 'home-alone children' — children left behind by migrant parents;

26. Recalls that the proposal on adequate minimum wages aims at improving the income situation of working people, including that of parents, and women in particular; recalls that decent working conditions and fair wages must be complementary to anti-poverty measures, including the guarantee, while ensuring national particularities and respecting subsidiarity; believes that such an approach will thus improve children's well-being and reduce inequalities from an early age, thereby breaking the poverty cycle; reminds Member States that the Commission recommendation on effective active support to employment (EASE) (C(2021)1372) offers guidance on gradually transitioning from emergency measures taken to preserve jobs during the pandemic and new measures needed for a job-rich and growth-oriented recovery; welcomes the proposal for a Pay Transparency Directive, which aims at reducing the gender pay gap and thereby improving women's financial stability and economic independence in general, as well as enabling the women affected to escape poverty and situations of domestic violence;

27. Encourages Member States to tackle early school leaving; emphasises that the reinforced Youth Guarantee ([19]) stipulates that all young people from the age of 15 should receive an offer for employment, education, traineeship or apprenticeship within a period of four months of becoming unemployed or leaving formal education; calls, furthermore, on the Member States to implement the reinforced Youth Guarantee, ensure high-quality offers, including fair remuneration, and promote the involvement of young people in Youth Guarantee services; underlines the importance of ensuring its complementarity with the Child Guarantee and the European Strategy for the Rights of Persons with Disabilities in order to respond to the needs of children with disabilities and provide better access to mainstream services and independent living;

28. Welcomes the establishment of governance, monitoring, reporting and evaluation mechanisms; calls on the Commission to continue monitoring progress in the European Semester, including via dedicated Social Scoreboard indicators, and to issue country-specific recommendations where needed; calls on the Commission to involve Parliament in the common monitoring framework and in the work of the Social Protection Committee; highlights the important role of the Committee of the Regions and the European Economic and Social Committee in promoting dialogue with local and regional authorities and civil society; recalls the importance of introducing children's rights and wellbeing as parameters and indicators of the country-specific recommendations in the framework of the European Semester and in line with the European Pillar of Social Rights; calls on the Commission to adjust the Social Scoreboard indicators, including disaggregated data, to take into account all categories of children in need identified by the Commission, to further develop benchmarking for evaluating and monitoring the impact of the European Child Guarantee, and to design the institutional structure for mainstreaming its implementation;

29. Calls on the Member States to develop both multiannual national strategies to tackle child poverty and social exclusion and European Child Guarantee national action plans on the basis of the specific groups of children in need identified, objectives and the required funding to be allocated in order to make the enabling policy framework a reality; emphasises the need to define strong, measurable targets; recalls the importance of involving all responsible regional and local authorities and relevant stakeholders, including the social economy, educational institutions, the private sector, NGOs and civil society organisations, as well as children and parents themselves; calls on the Commission to regularly report to Parliament on the state of the implementation of the guarantee; reiterates the need to improve the collection of quality

([19]) OJ C 372, 4.11.2020, p. 1.

disaggregated data at both Member State and EU level in order to help monitor and assess progress towards ending child poverty and social exclusion and inform monitoring and policy making; welcomes, in this regard, the inclusion of national frameworks for data collection under the national action plans to implement the Child Guarantee; highlights the need for all Member States to develop better-quality indicators in all fields of intervention of the Child Guarantee in order to grasp adequately the multidimensional challenges related to child poverty and social exclusion in education and childcare, healthcare, housing and access to adequate nutrition and with a view to strengthening its outreach to the most disadvantaged children; reiterates the importance of enabling Member States to exchange best practices;

30. Calls on the Council to swiftly adopt the proposal for a Council recommendation for establishing a European Child Guarantee;

31. Calls on the Council to unblock the Women on Boards Directive; stresses that representation of women in leadership conditions girls' and young women's school and career choice and contributes to ending inequalities in certain sectors of the job market where women are less represented, as well as improving the working conditions of feminised sectors;

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

Thursday 29 April 2021

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The accessibility and affordability of Covid-testing

European Parliament resolution of 29 April 2021 on the accessibility and affordability of COVID testing (2021/2654(RSP))

(2021/C 506/16)

The European Parliament,

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

— having regard to Articles 4, 6, 9, 114, 153, 168, 169 and 191 of the Treaty on the Functioning of the European Union,

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

— having regard to the proposal for a regulation of the European Parliament and of the Council of 17 March 2021 on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate) (COM(2021)0130),

— having regard to the current International Health Regulations,

— having regard to Commission Recommendation (EU) 2020/1595 of 28 October 2020 on COVID-19 testing strategies, including the use of rapid antigen tests ([1]),

— having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ([2]),

— having regard to the Council Recommendation of 21 January 2021 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU ([3]);

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

A. whereas every EU citizen has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and the measures adopted to give effect to them ([4]);

B. whereas effective testing is considered as a decisive tool to contain the spread of SARS-CoV-2 and its variants of concern, detect infections and limit isolation and quarantine measures, and will continue to play a key role in facilitating the free movement of people and to ensure cross-border transport and cross-border provision of services during the pandemic;

C. whereas sufficient testing and sequencing capacities are indispensable for monitoring the epidemiological situation and rapidly detecting the emergence of more SARS-CoV-2 variants;

D. whereas the Commission has proposed a legislative package for the European Health Union;

E. whereas the accessibility and affordability of these tests differs greatly between the Member States, especially when it comes to the availability of free tests for the frontline workforce, including workers in the health sector, schools, universities and childcare facilities;

([1]) OJ L 360, 30.10.2020, p. 43.
([2]) OJ L 158, 30.4.2004, p. 77.
([3]) OJ C 24, 22.1.2021, p. 1.
([4]) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004, p. 77.

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F. whereas the Commission has proposed a framework for the issuance, verification and acceptance of an interoperable vaccination, testing and recovery certificate to facilitate free movement during the COVID-19 pandemic called the EU COVID-19 certificate;

G. whereas the EU COVID-19 certificate would facilitate the free movement of EU citizens and residents; whereas many Member States still require persons travelling to their territory to undergo a test for COVID-19 infection before or after arrival;

H. whereas not all EU citizens and residents will have been vaccinated by the time the regulation on the EU COVID-19 certificate enters into force, either because they have not been offered the vaccine yet, or because they cannot or do not wish to be vaccinated, and therefore will have to rely on certificates based on testing or recovery to facilitate free movement;

I. whereas the nucleic acid amplification test (NAAT) featured in the list drawn up on the basis of the Council recommendation of 21 January 2021 forms an integral part of the envisaged EU COVID-19 certificates;

J. whereas the cost of tests, precarious working conditions and limited access to legal protection mean that seasonal workers face particular challenges in relation to testing and self-isolating for the benefit of public health;

K. whereas COVID-19 has disproportionately affected vulnerable people, ethnic minorities, residents of care homes, residential services for older people, persons with disabilities and homeless people; whereas vulnerable populations are at increased risk of facing financial discrimination when they have no possibility to receive tests free of charge;

L. whereas effective testing is also a key component of the strategy aimed at boosting the economic recovery and enabling educational and social activities to be conducted as normal in Member States so that fundamental freedoms can be fully exercised;

M. whereas all Member States provide COVID-19 vaccines to their citizens and residents free of charge, but only some Member States provide free testing; whereas citizens and residents of the other Member States often have to pay high prices for COVID-19 tests, making this option unattainable for some and carrying the risk of creating discrimination based on socio-economic status;

N. whereas to avoid inequality and discrimination between vaccinated and unvaccinated EU citizens and residents, both testing and vaccination should be free of charge;

O. whereas test certificates issued by Member States in compliance with the EU COVID-19 certificate should be accepted by Member States requiring proof of a test for COVID-19 infection in the context of the restrictions on free movement put in place to limit the spread of COVID-19;

P. whereas clear and user-friendly information on the availability of COVID-19 testing in all Member States and on prices, where free testing is not offered, should be available in one place;

Q. whereas a lack of testing capacity and the issue of affordability of COVID-19 testing pose challenges in terms of effectively addressing the pandemic and constitute a significant obstacle to free movement within the EU, be it for the purpose of work, leisure or family reunification or another purpose;

R. whereas 17 million EU citizens work or live outside their own Member State and whereas many millions live in peripheral and border areas and have to cross a border regularly, even on a daily basis; whereas these citizens have also been disproportionally affected by the difficulty and cost of getting tested; whereas testing or quarantine requirements continue to create delays in and increase the cost of cross-border transport of goods and the provision of cross-border physical services;

S. whereas other travellers may also face several obstacles, including financial barriers and complicated requirements caused by COVID-19 test requirements;

T. whereas in the current pandemic, a wide range of measures, even exceptional measures, have been taken to support the general public and the economy of the EU;

U. whereas free movement is in principle a right of all EU citizens, and in times of crisis, every measure has to be taken to ensure that all Europeans can enjoy that right equally;

V. whereas the Commission has jointly procured COVID-19 vaccines on behalf of all Member States, ensuring accessibility and lowering prices for all;

W. whereas the Commission signed a framework contract with Abbott and Roche for the purchase of over 20 million rapid antigen tests on 18 December 2020, making tests available to all Member States;

X. whereas in exceptional cases, (temporary) market intervention is necessary and justified to eliminate obstacles to free movement within the single market, to ensure fair competition and to ensure the provision of essential products and services;

1. Calls on the Member States to ensure universal, accessible, timely and free-of-charge testing in order to guarantee the right to free movement within the EU without discrimination on grounds of economic or financial means in the context of the EU COVID-19 certificate, in line with Article 3 of the Parliament mandate for negotiations on the proposal for a Digital Green Certificate ([5]); underlines the threat of financial discrimination to which non-immunised EU citizens and residents would otherwise be subject once the EU COVID-19 certificate is implemented;

2. Calls on the Member States to ensure free testing, in particular for the frontline workforce, including health workers and their patients, and for schools, universities and childcare facilities;

3. Calls on the Commission and Member States to introduce a temporary price cap on COVID-19 tests that are not taken to obtain an EU COVID-19 certificate or within the context of the circumstances outlined in paragraph 2;

4. Stress that EU COVID-19 certificates based on a NAAT test should not cause further inequalities and social divides; underlines that fair and equitable access to testing is imperative;

5. Urges the Member States, in the meantime, to further implement Commission Recommendation (EU) 2020/1595 to ensure a common approach and more efficient testing strategies across the EU, as well as to fully implement the regulation on the EU COVID-19 certificate, once adopted;

6. Calls on the Commission and the Member States to ensure sufficient funding and to further their efforts under the European Health Emergency Preparedness and Response Authority (HERA) incubator to develop innovative non-invasive testing for children and vulnerable groups, including for variants;

7. Underlines that the Commission and the Member States should demonstrate a stronger commitment to protecting their citizens and residents, whose right to freedom of movement should not depend on their socio-economic status;

8. Calls on the Commission to mobilise its resources to facilitate a financially just and anti-discriminatory implementation of the interoperable EU COVID-19 certificate;

9. Calls on the Member States and the Commission to jointly procure diagnostic test kits and sign joint contracts with medical analysis laboratory service providers to scale up COVID-19 testing capacity at EU level; stresses the need to ensure a high level of transparency and scrutiny in health procurement; stresses that it is of vital importance to ensure that the Commission reserves a sufficient budget to acquire the equipment referred to in this paragraph to enable it to take swift and convincing action;

([5]) Texts adopted, P9_TA(2021)0145.

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10. Welcomes that the Commission provided for flexibility to expedite customs formalities and waive VAT on COVID-19 testing kits;

11. Calls on the Member States to make it possible for health professionals and trained operators to collect testing data and report it to the relevant authorities; stresses the importance of adapting testing capacity according to the latest epidemiological data and stresses that all test results should be reported, even if performed in non-accredited test centres or settings;

12. Calls for the Commission to support the Member States by activating the Emergency Support Instrument to cover the costs of COVID-19 testing, requesting voluntary contributions from Member States, securing additional financing for advance purchase agreements and ensuring vaccines are provided for free; expects this joint effort to be used as inspiration for increasing the availability of free testing for EU citizens and residents;

13. Calls on the Commission to include clear information on COVID-19 testing availability and facilities in all Member States on the Re-open EU website and rapidly deploy an app helping users to find the location of their nearest COVID-19 testing facility; calls on the Commission to make such information easily accessible via an application programming interface, so that travel operators can easily share this information with their clients;

14. Urges the Member States to increase testing capacities across the EU, both for NAAT and rapid antigen tests, especially in main transportation hubs and tourist destinations, including in remote and island regions and border regions by using mobile testing units and sharing laboratory facilities;

15. Calls on the Commission to support national authorities in setting up testing centres, with a view to ensuring physical proximity;

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

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RECOMMENDATIONS

EUROPEAN PARLIAMENT

P9_TA(2021)0163

EU-India relations

European Parliament recommendation of 29 April 2021 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning EU-India relations (2021/2023(INI))

(2021/C 506/17)

The European Parliament,

— having regard to the upcoming EU-India Leaders' Meeting announced for 8 May 2021 in Porto, Portugal,

— having regard to the EU-India Strategic Partnership established in 2004,

— having regard to the 1994 EU-India Cooperation Agreement,

— having regard to the joint statement and the EU-India Strategic Partnership: A Roadmap to 2025 ([1]) adopted at the virtual EU-India summit on 15 July 2020, as well as to the other joint statements signed recently, including in the fields of counter-terrorism, climate and energy, urbanisation, migration and mobility and the water partnership,

— having regard to the Joint Communication of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the Commission of 20 November 2018 entitled 'Elements for an EU strategy on India' (JOIN(2018)0028) and the related Council conclusions on the EU Strategy on India of 10 December 2018 (14634/18),

— having regard to the Joint Communication of the VP/HR and the Commission of 19 September 2018 entitled 'Connecting Europe and Asia — Building blocks for an EU Strategy' (JOIN(2018)0031) and the related Council conclusions of 15 October 2018 (13097/18),

— having regard to the Council conclusions on the Enhanced EU Security Cooperation in and with Asia of 28 May 2018 (9265/1/18 REV 1),

— having regard to the Commission communication of 4 September 2001 entitled 'Europe and Asia: A Strategic Framework for Enhanced Partnerships' (COM(2001)0469),

— having regard to the future Regulation establishing the Neighbourhood, Development, and International Cooperation Instrument 2021-2027 (2018/0243(COD)),

— having regard to its resolutions of 20 January 2021 on the implementation of the Common Foreign and Security Policy — annual report 2020 ([2]), of 21 January 2021 on connectivity and EU-Asia relations ([3]) and of 13 September 2017 on EU political relations with India ([4]), as well as to its other previous resolutions on India, including those on cases of breaches of human rights, democracy and the rule of law,

([1]) https://www.consilium.europa.eu/en/press/press-releases/2020/07/15/joint-statement-15th-eu-india-summit-15-july-2020/
([2]) Texts adopted, P9_TA(2021)0012.
([3]) Texts adopted, P9_TA(2021)0016.
([4]) OJ C 337, 20.9.2018, p. 48.

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— having regard to its recommendation of 28 October 2004 to the Council on EU-India relations ([5]),

— having regard to its resolution of 29 September 2005 on EU-India relations: A Strategic Partnership ([6]),

— having regard to its resolution of 13 April 2016 on the EU in a changing global environment — a more connected, contested and complex world ([7]),

— having regard to its resolution of 10 May 2012 on maritime piracy ([8]),

— having regard to its resolution of 27 October 2016 on nuclear security and non-proliferation ([9]),

— having regard to the 10th Asia-Europe Parliamentary Partnership Meeting (ASEP10) held in Brussels on 27-28 September 2018, and to the respective declaration adopted, and to the 11th Asia-Europe Parliamentary Partnership Meeting (ASEP11) held in Phnom Penh, Cambodia on 26-27 May 2021,

— having regard to the EU-India High-Level Dialogue on trade and investment, whose first meeting was held on 5 February 2021,

— having regard to the mission of its Committee on Foreign Affairs to India of 21-22 February 2017,

— having regard to the EU Action Plan on Human Rights and Democracy 2020-2024,

— having regard to the Council conclusions of 22 February 2021 on EU priorities in UN human rights fora in 2021,

— having regard to the EU thematic guidelines on human rights, including those on human rights defenders and on the protection and promotion of freedom of religion or belief,

— having regard to Rule 118 of its Rules of Procedure,

— having regard to the letter by the Committee on International Trade, and having regard to its competences pursuant to Annex VI of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs (A9-0124/2021),

A. whereas the EU and India are to convene a leaders' meeting on 8 May 2021 in Porto, Portugal, following their commitment to convene regularly at the highest level and to strengthen the strategic partnership established in 2004, with a view to enhancing economic and political cooperation;

B. whereas the EU-India strategic partnership has gained momentum in recent years, reflecting renewed political will to strengthen its strategic dimension and, having evolved from an economic partnership to a relationship expanding across a number of sectors, reflecting India's rising geopolitical power and shared democratic values;

C. whereas the EU and India, as the world's two largest democracies, share strong political, economic, social and cultural ties; whereas, however, bilateral relations have not yet reached their full potential and require increased political engagement; whereas EU and Indian leaders affirmed their determination to preserve and promote effective multilateralism and a rules-based multilateral order with the UN and the World Trade Organisation (WTO) at its core;

([5]) OJ C 174 E, 14.7.2005, p. 179.
([6]) OJ C 227 E, 21.9.2006, p. 589.
([7]) OJ C 58, 15.2.2018, p. 109.
([8]) OJ C 261 E, 10.9.2013, p. 34.
([9]) OJ C 215, 19.6.2018, p. 202.

D. whereas India's regional and global importance is growing, and it has increasingly strengthened its position as a donor as well as an economic and military power; whereas India's G20 Presidency in 2023 and its membership of the UN Security Council in 2021-2022 and of the UN Human Rights Council in 2019-2021 have reinvigorated the need to enhance coordination on global governance and further promote a shared vision of rules-based multilateralism;

E. whereas the EU's strategic framework vested in its Global Strategy, its Strategy on India, its Strategy for EU-Asia Connectivity and the emerging Indo-Pacific Strategy have highlighted the vital importance of cooperating with India on the EU's global agenda; whereas bilateral and multilateral cooperation in the current context of heightened global risks and increasing great power competition should encompass the reinforcement of international security, the strengthening of preparedness for and responses to global health emergencies, such as the current COVID-19 pandemic, the enhancement of global economic stability and inclusive growth, and the implementation of the UN Sustainable Development Goals;

F. whereas India enjoys a strong and growing economy; whereas the EU is India's leading trading partner, while India is the EU's 9th largest trading partner; whereas the Indian Ocean is an expanse of strategic importance for global trade and of vital economic and strategic interest for both the EU and India; whereas the EU and India have strong mutual interests in the Indo-Pacific, focusing on sustaining it as an area of fair competition, undisrupted sea lines of communication (SLOC), stability and security;

G. whereas connectivity should constitute an important element of a mutual EU-India strategic agenda in line with the EU-Asia Connectivity Strategy; whereas the latest summit between the EU and India agreed on principles of sustainable connectivity, and agreed to explore ways to improve connectivity between the EU and India and consequent connectivity with third countries, including in the Indo-Pacific region; whereas the comprehensiveness of connectivity is limited not only to physical infrastructure such as roads and railways, but also to maritime routes, digital infrastructure and environmental aspects, with a particular emphasis on the EU Green Deal; whereas connectivity has a geopolitical and transformative role, as well as acting as a sustainable vehicle of growth and jobs;

H. whereas EU and Indian leadership is needed to promote effective climate diplomacy, a global commitment to the implementation of the Paris Agreement and global protection of the climate and the environment;

I. whereas local and international human rights monitors report that human rights defenders and journalists in India lack a safe working environment; whereas, in October 2020, the UN High Commissioner for Human Rights, Michelle Bachelet, appealed to the Government of India to safeguard the rights of human rights defenders and NGOs, raising concerns over shrinking space for civil society organisations, the detention of human rights defenders and charges brought against people for simply having exercised their right to freedom of expression and peaceful assembly, as well as over the use of laws to stifle dissent, such as the Foreign Contribution Regulation Act (FCRA) and the Unlawful Activities Prevention Act;

J. whereas Amnesty International was compelled to close its offices in India after its bank accounts were frozen over an alleged violation of the FCRA, and three UN special rapporteurs have called for the law to be amended in line with India's rights obligations under international law;

K. whereas civil society groups report that women in India face a number of severe challenges and violations of their rights, including related to cultural, tribal and traditional practices, sexual violence and harassment, and human trafficking; whereas women from religious minority backgrounds face a double vulnerability, which is further compounded in the case of lower-caste women;

L. whereas, despite being prohibited, caste-based discrimination remains a systemic problem in India, including in the criminal justice administration system, preventing Dalits from access to employment, education, healthcare and budgetary allocations for Dalit development;

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M. whereas India is one of the countries hit hardest by the novel COVID-19 pandemic, with over 11 million confirmed cases and more than 150 000 deaths, and whereas the Indian Government has undertaken an initiative to donate millions of vaccines to countries in its immediate neighbourhood and key partner nations in the Indian Ocean;

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

General EU-India relations

(a) continue the improvement and deepening of EU-India relations as strategic partners, and uphold the commitment to regular multi-level dialogues, including summits;

(b) consolidate the progress in the Strategic Partnership achieved since last year's summit and make tangible advances on priority issues, notably resilient global health, climate change and green growth, digitalisation and new technologies, connectivity, trade and investment, foreign, security and defence policy, and human rights;

(c) remain committed to and implement fully the EU Strategy on India of 2018 and the EU-India Roadmap to 2025 in coordination with Member States' own engagement with India; establish clear and public criteria for measuring progress on the roadmap; ensure parliamentary oversight of the EU's India policy through regular exchanges with its Committee on Foreign Affairs;

(d) unleash the full potential of the bilateral relationship between the world's two biggest democracies; reiterate the need for a deeper partnership based on the shared values of freedom, democracy, pluralism, the rule of law, equality, respect for human rights, a commitment to promoting an inclusive, coherent and rules-based global order, effective multilateralism and sustainable development, fighting climate change, and promoting peace and stability in the world;

(e) highlight the importance of India as a partner in the global fight against climate change and biodiversity degradation and in a green transition towards renewable energy and climate neutrality; consolidate shared plans for the full implementation of the Paris Agreement and its nationally determined contributions, and for joint climate diplomacy;

(f) revive the Council's 2018 request to modernise the institutional architecture of the 1994 EU-India cooperation agreement in line with new common aspirations and global challenges; reinvigorate the idea of negotiating a Strategic Partnership Agreement with a strong parliamentary dimension that promotes contacts and cooperation at state level where appropriate;

(g) promote a structured inter-parliamentary dialogue, including by encouraging the Indian side to establish a permanent counterpart in the Lok Sabha and Rajya Sabha to the European Parliament Delegation for Relations with the Republic of India and by promoting committee-to-committee contacts;

(h) ensure the active and regular consultation and involvement of EU and Indian civil society, including trade unions, faith-based organisations, feminist and LGBTQI organisations, environmentalist organisations, chambers of commerce and other stakeholders in the development, implementation and monitoring of EU-India relations; seek the establishment of an EU-India Civil Society Platform for that purpose and of an EU-India Youth Summit as a side event at future EU-India summits, in order to strengthen relations between the younger generations;

(i) consolidate the EU's public diplomacy efforts to improve mutual understanding among the EU, its Member States and India and to help enhance knowledge on both sides, involving academia, think tanks and representatives from across the EU and India;

Foreign and security policy cooperation

(j) promote greater synergy in foreign and security policy through the existing relevant dialogue mechanisms and within fora set up under the EU-India Roadmap to 2025, and in light of the EU's recent strategic emphasis on enhanced security cooperation in and with Asia, where India is playing an increasingly important and strategic role;

(k) emphasise that greater engagement between the EU and India in the security and defence field should not be perceived as contributing to polarisation in the Indo-Pacific area, but rather as promoting shared security, stability and peaceful development;

(l) emphasise the need for closer thematic coordination of international security policies and for action in areas such as nuclear security and the non-proliferation and control of weapons of mass destruction, mitigation of chemical, biological and radiological weapons, the promotion of regional conflict prevention and peacebuilding, counter-piracy, maritime security, countering terrorism (including counter-radicalisation, anti-money laundering and countering terrorist financing), violent extremism, disinformation campaigns, as well as cybersecurity, hybrid threats and outer space; emphasise the importance of the EU-India Counter Terrorism Dialogue; strengthen military-to-military relations and exchanges in order to bolster the EU-India strategic partnership;

(m) point out that the EU and India are two of the largest contributors to UN peacekeeping and committed advocates for sustainable peace; encourage discussion and initiatives towards widening cooperation in peacekeeping;

(n) take positive note of the six regular EU-India consultations on disarmament and non-proliferation that have taken place, and encourage India to strengthen regional cooperation and take concrete steps in this regard; acknowledge that India has joined three major proliferation-related multilateral export control regimes and encourage a closer EU-India partnership within these fora;

(o) coordinate positions and initiatives in multilateral fora, notably the UN, WTO and G20, by pushing for joint objectives in line with shared international values and standards, increasing dialogue and effectively aligning positions in defence of multilateralism and a rules-based international order; engage in discussions on a reform of the UN Security Council and working methods and support India's bid for permanent membership of a reformed UN Security Council;

(p) promote conflict prevention and economic cooperation by supporting regional integration initiatives in South Asia, including within the South Asian Association for Regional Cooperation (SAARC);

(q) draw on India's extensive regional experience and the EU Member States' existing approaches for the Indo-Pacific region in order to develop a proactive, comprehensive and realistic European Indo-Pacific strategy based on shared principles, values and interests, including economic, and international law; seek the coordination, where appropriate, of EU and Indian policies on the Indo-Pacific region and extend cooperation to cover all areas of common interest; take due consideration of the sovereign policy choices of other countries in the region and the EU's bilateral relations with them;

(r) promote ambitious joint action, with specific measures, in coordinating development and humanitarian aid, including in the Middle East and Africa, as well as in strengthening democratic processes and countering authoritarian trends and all kinds of extremism, including nationalist and religious;

(s) promote joint action in coordinating food security and disaster relief operations, in line with humanitarian principles as enshrined in international humanitarian law, including impartiality, neutrality and non-discrimination in aid delivery;

(t) note that the EU is closely following the situation in Kashmir; reiterate its support for stability and de-escalation between India and Pakistan, both of which are nuclear weapon states, and remain committed to respect for human rights and fundamental freedoms; promote the implementation of UN Security Council resolutions and UNHCR reports on Kashmir; call on India and Pakistan to consider the enormous human, economic and political benefits of resolving this conflict;

(u) renew EU efforts for rapprochement and restoration of good neighbourly relations between India and Pakistan, on the basis of principles of international law, through a comprehensive dialogue and step-by-step approach, starting with confidence-building measures; welcome, in this light, the India-Pakistan Joint Statement on Ceasefire of 25 February 2021 as an important step in the establishment of regional peace and stability; underline the importance of the bilateral dimension in working towards the establishment of lasting peace and cooperation between India and Pakistan, which would positively contribute to the security and economic development of the region; underline the responsibility for building peace incumbent on both states as nuclear powers;

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(v) recognise India's long-running support to Afghanistan and its commitment to people-centred and locally-led peacebuilding efforts; work together with India and other regional states to promote stabilisation, security, peaceful conflict resolution and democratic values, including women's rights, in the country; reiterate that a peaceful and prosperous Afghanistan would benefit the wider region;

(w) underline that preserving peace, stability and the freedom of navigation in the Asia-Pacific region remains of critical importance to the interests of the EU and its Member States; increase mutual engagement to ensure that trade in the Indo-Pacific region will not be hampered; encourage further common reading of the UN Convention on the Law of the Sea, including with regard to the freedom of navigation, and intensify cooperation in maritime security and joint training missions in the Indo-Pacific region, in order to preserve the security and freedom of navigation along the sea lines of communication (SLOC); recall that, in particular in a context of growing regional power rivalry, cooperation with countries of the Indo-Pacific region should follow principles of openness, prosperity, inclusiveness, sustainability, transparency, reciprocity and viability; launch an EU-India high-level dialogue on maritime cooperation aimed at broadening the scope of the current consultations on anti-piracy and increasing interoperability and coordination between EUNAVFOR Operation Atalanta, India's Information Fusion Centre for the Indian Ocean Region (IFC-IOR) and the Indian navy in the field of maritime surveillance, disaster relief and joint training and exercises;

(x) jointly encourage further dialogue with a view to the early conclusion of a code of conduct in the South China Sea that would not prejudice the legitimate rights of any nation in accordance with international law;

(y) take note with concern of the deterioration of relations between India and the People's Republic of China (PRC), including due to the PRC's expansive policy and substantial military build-up; support a peaceful resolution of disputes, a constructive and comprehensive dialogue and the upholding of international law on the India-PRC border;

(z) recognise India's commitment to the Women, Peace and Security (WPS) agenda through its contribution to peacekeeping missions; strengthen their mutual commitment to the implementation of UN Security Council Resolution 1325, including the development of National Action Plans with appropriate budgetary allocations for effective implementation;

(aa) encourage a shared commitment to implementing UN Security Council Resolutions 2250, 2419 and 2535 on Youth, Peace and Security (YPS), including through the development of national YPS strategies and action plans with appropriate budgetary allocations and an emphasis on conflict prevention; encourage India, together with EU Member States, to invest in young peoples' capacities and to partner with youth organisations in promoting dialogue and accountability; explore new ways to include young people in building positive peace and security;

Promotion of the rule of law, human rights and good governance

(ab) place human rights and democratic values at the heart of the EU's engagement with India, thereby enabling a results-oriented and constructive dialogue and deeper mutual understanding; develop, in collaboration with India, a strategy to address human rights issues, particularly those concerning women, children, ethnic and religious minorities and freedom of religion and belief, and to address rule of law issues such as the fight against corruption, as well as a free and safe environment for independent journalists and civil society, including human rights defenders, and to integrate human rights considerations across the wider EU-India partnership;

(ac) express deep concern regarding India's Citizenship Amendment Act (CAA), which, according to the Office of the United Nations High Commissioner for Human Rights, is fundamentally discriminatory in nature against Muslims and dangerously divisive; encourage India to guarantee the right to freely practice and propagate the religion of one's choice, as enshrined in Article 25 of its Constitution; work to eliminate and deter hate speech that incites discrimination or violence, which leads to a toxic environment where intolerance and violence against religious minorities can occur with impunity; share best practices on training police forces in tolerance and international human rights standards; recognise the link between anti-conversion laws and violence against religious minorities, particularly the Christian and Muslim communities;

(ad) encourage India, as a member of the UN Human Rights Council, to act upon all recommendations of its Universal Periodic Review process, to accept and facilitate the visits of and cooperate closely with UN special rapporteurs, including the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and

expression, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in monitoring developments in civic space and fundamental rights and freedoms, as part of its pledge to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights;

(ae) address the human rights situation and challenges faced by civil society, in particular concerns raised by the UN High Commissioner for Human Rights and the UN special rapporteurs, in its dialogue with the Indian authorities, including at summit level; encourage India, as the world's largest democracy, to demonstrate its commitment to respect, protect and fully enforce the constitutionally guaranteed rights to freedom of expression for all, including online, the right to peaceful assembly and association, including in relation to the latest large-scale farmers' protests, and freedom of religion and belief; call on India to secure a safe environment for the work of and protect and guarantee the fundamental rights and freedoms of human rights defenders, environmentalists, journalists and other civil society actors, free from political or economic pressure, and to cease invoking laws against sedition and terrorism as a means to restrict their legitimate activities, including in Jammu and Kashmir, stop blanket restrictions of internet access, review laws in order to avoid their possible misuse to silence dissent and amend laws that foster discrimination, and facilitate access to justice and ensure accountability for human rights violations; address the harmful effects of the Foreign Contribution Regulation Act (FCRA) on civil society organisations;

(af) encourage India to take further steps to investigate and prevent gender-based violence and discrimination, and promote gender equality and women's empowerment; address the issue of increasing violence against women and girls in India by encouraging thorough investigations of violent crimes against women and girls, as well as training officers in trauma-informed policing and investigation, enforcing an effective monitoring mechanism to oversee the implementation of laws dealing with sexual violence against women and girls, and speeding up legal processing and improving protection for victims;

(ag) address the issue of prevailing caste-based discrimination and the important issue of granting rights under the Forest Rights Act to Adivasi communities;

(ah) recall the EU's principled and long-standing rejection of the death penalty and reiterate its plea to India for a death penalty moratorium with a view to the permanent abolition of capital punishment;

(ai) recognise the process in India of developing a national action plan on business and human rights in order to fully implement the UN Guiding Principles on Business and Human Rights, recalling the responsibilities of all companies to respect human rights in their value chains, and encourage both the EU and India to participate actively in the ongoing negotiations on a UN binding treaty for corporate responsibility on human rights;

(aj) urge India to ratify the UN Convention against Torture and the Optional Protocol thereto, and the UN Convention for the Protection of All Persons from Enforced Disappearance;

(ak) encourage India to further support international justice efforts by signing the Rome Statute of the International Criminal Court (ICC);

(al) encourage India to continue its tradition of granting protection to persons fleeing violence and persecution until conditions for safe, dignified and voluntary return are possible, and to take all measures needed to eliminate risks of statelessness for communities in India;

(am) restate the importance of engaging as soon as possible in a regular EU-India Human Rights Dialogue, in line with the commitment under the EU-India Roadmap, and in line with the shared intention to resume meetings after eight years without such meetings having taken place, as an important opportunity for both parties to discuss and resolve remaining human rights issues; upgrade the dialogue to a headquarters level dialogue and strive to make it meaningful through high-level participation, setting concrete commitments, criteria and benchmarks for progress, addressing individual cases and facilitating an EU-India civil society dialogue ahead of the intergovernmental dialogue; request that the EEAS regularly report to Parliament on results achieved;

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Trade for sustainability and prosperity

(an) recall that EU-India trade increased by more than 70 % between 2009 and 2019 and that it is in the common interest to foster closer economic ties; recognise that India is a solid alternative for an EU that wants to diversify its supply chains, and that the EU is India's largest trading partner in the agri-food sector;

(ao) seize the opportunity offered by the EU-India Leaders' Meeting to openly address value-based cooperation at the highest level in matters of trade and investment; reiterate the EU's readiness to consider launching negotiations on a stand-alone investment protection agreement, which would increase legal certainty for investors on both sides and further strengthen bilateral trade relations; work towards the achievement of common and mutually beneficial objectives in these areas that could contribute to economic growth and innovation and that comply with and contribute to respect for universal human rights, including labour rights, to promote the fight against climate change, and the pursuit of the Sustainable Development Goals of the Agenda 2030;

(ap) make best use of India's commitment to multilateralism and an international rules-based trading order; promote India's decisive role in the ongoing efforts to reform the World Trade Organization;

(aq) evaluate to what extent the Commission's negotiating mandate needs to be updated if the aim is to conclude a trade and cooperation agreement that would include ambitious provisions on an enforceable Trade and Sustainable Development chapter aligned with the Paris Agreement, as well as appropriate provisions regarding investors' rights and duties and human rights; ensure constructive negotiations while remaining mindful of the different levels of ambition between the two sides; draw in this regard on the encouraging evolution of the Indian authorities' stance regarding their readiness to include provisions on trade and sustainable development in a future agreement;

Resilience through sectoral partnerships

(ar) finalise negotiations on a connectivity partnership with India; support this partnership notably through the provision of loans and guarantees for sustainable investment in bi- and multilateral digital and green infrastructure projects in India, by the EU's public and private entities such as the European Investment Bank (EIB) and the new external financing instrument, in line with the potential outlined in the EU-Asia Connectivity Strategy; explore synergies between EU-India cooperation and that with countries of South Asia and the coordination of various connectivity strategies;

(as) ensure that connectivity initiatives are based on social, environmental and fiscal standards and the values of sustainability, transparency, inclusiveness, the rule of law, respect for human rights and reciprocity, and are fully consistent with the UN Framework Convention on Climate Change (UNFCCC) and its legal instruments including the Paris Agreement;

(at) acknowledge India's expertise in natural disaster management; intensify cooperation with India in enhancing the region's preparedness for natural disasters, including through the partnership in the framework of the Coalition for Disaster Resilient Infrastructure, a multilateral effort to expand research and knowledge sharing in the field of infrastructure risk management;

(au) enhance cooperation on sustainable mobility through concrete measures such as the further development of electric transport infrastructures and investment in railway projects; highlight the vital importance of railways for relieving congestion and pollution in large urban areas, reaching climate objectives and ensuring the resilience of vital supply chains including during crises;

(av) support further cooperation on challenges posed by rapid urbanisation including via exchange of knowledge and best practices through shared platforms and city-to-city cooperation, cooperation on smart city technology, and continued financial support to projects in urban transport in India via the EIB;

(aw) recall India's role as a major manufacturer of pharmaceuticals, generic drugs and vaccines, particularly in the context of the ongoing global health crisis; encourage joint undertakings to ensure universal access to COVID-19 vaccines; seek EU-India leadership in promoting health as a global public good, notably through supporting multilateral initiatives, including COVAX, and help to secure universal access to vaccines, notably among lower-income countries, in particular by working together in the relevant international forums;

(ax) raise the level of ambition of EU-India bilateral and multilateral cooperation on climate change, notably by accelerating green growth and a just and safe clean energy transition, reaching climate neutrality, and enhancing the ambition of nationally determined contributions; continue common global leadership in support of the Paris Agreement and focus on implementing the clean and renewable energy and circular economy agendas;

(ay) reaffirm a joint commitment, as two major global greenhouse gas emitters, to more coordinated efforts towards mitigating the effects of climate change; note India's leadership in renewable energy and the progress made through the EU-India Clean Energy and Climate Partnership; encourage investment in and cooperation to further advance electric mobility, sustainable cooling, next generation battery technology, distributed generation of electricity, and just transition in India; initiate a discussion on and evaluate strategic cooperation in the field of rare earths; intensify the implementation of the sustainable water management partnership;

(az) promote an ambitious common agenda and global action on biodiversity, including in the run-up to the Conference of the Parties to the Convention on Biological Diversity (COP 15) in May 2021;

(ba) strive for co-leadership in setting and advancing international standards in the digital economy grounded in sustainable and responsible digitalisation and a rule of law and human rights-based ICT environment, while addressing cybersecurity threats and protecting fundamental rights and freedoms, including the protection of personal data;

(bb) step up the EU's ambitions for digital connectivity with India in the context of the EU's digital transformation strategy; work together with India in the development and use of critical technologies, keeping in mind the great strategic and security implications that such new technologies carry; invest in a partnership in digital services and the development of responsible and human rights-based artificial intelligence; welcome India's efforts towards a GDPR-like high level of personal data protection and continue to support data protection reform in India; highlight the mutual benefits of intensified cooperation in this area; encourage further convergence between regulatory frameworks to ensure a high level of protection of personal data and privacy, including through possible data adequacy decisions, with a view to facilitating safe and secure cross-border data flows, enabling closer cooperation, especially in the ICT and digital services sector; note that the alignment of Indian and European data regulation would significantly facilitate mutual cooperation, trade and the safe transmission of information and expertise; work towards replicating the EU's international mobile roaming agreements with India;

(bc) recall that the development of the digital sector is paramount to security and must include diversification of the supply chain of equipment manufacturers, through the promotion of open and interoperable network architectures and digitalisation partnerships, with partners who share the EU's values and utilise technology in compliance with fundamental rights;

(bd) take effective steps to facilitate EU-India mobility, including for migrants, students, high-skilled workers and artists, considering the availability of skills and labour market needs in the EU and India; recognise the considerable talent pool in the fields of digitalisation and artificial intelligence in both India and the EU and the shared interest in developing high-level expertise and cooperation in this field;

(be) consider people-to-people exchanges as one of the main dimensions of the strategic partnership; call for a deeper partnership in public education, research and innovation, and cultural exchange; call on the EU Member States and India to invest especially in young people's capacities and leadership and to ensure their meaningful inclusion in political and economic life; promote Indian participation, notably that of Indian students and young practitioners, in EU programmes such as Horizon Europe, the European Research Council, the Marie Sklodowska-Curie fellowship and people-to-people exchanges in education and culture; promote, in this regard, the Erasmus+ programme and ensure equal inclusion of female students, scientists, researchers and professionals in these programmes; continue close cooperation in research and innovation, including human-centric and ethics-based digital technologies, while encouraging the strengthening of digital literacy and skills;

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(bf) further explore possibilities for comprehensive collaboration under the G20 framework on employment and social policies, such as social protection, minimum wage, female labour market participation, decent job creation, occupational safety and health; cooperate on the eradication of child labour by supporting the application and monitoring the respect of ILO Conventions 138 (Minimum Age Convention) and 182 (Worst Form of Child Labour Convention), ratified by India in June 2017;

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

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P9_TA(2021)0116

Request for waiver of the immunity of Filip De Man

European Parliament decision of 27 April 2021 on the request for waiver of the immunity of Filip De Man (2020/2271(IMM))

(2021/C 506/18)

The European Parliament,

— having regard to the request for waiver of the immunity of Filip De Man forwarded by letter of 30 October 2020 by the Public Prosecutor at the Brussels Court of Appeal, in connection with criminal proceedings, and announced in plenary on 14 December 2020,

— having regard to the waiver by Filip De Man of his right to be heard under Rule 9(6) of its Rules of Procedure,

— having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to Article 59 of the Constitution of the Kingdom of Belgium,

— having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 ([1]),

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0134/2021),

A. whereas the Public Prosecutor at the Brussels Court of Appeal has submitted a request for waiver of the immunity of Filip De Man, elected as a Member of the European Parliament for the Kingdom of Belgium, in connection with his alleged involvement in a road accident on 1 May 2019 with material damage and the aggravating circumstance of failure to remain at the scene;

B. whereas Filip De Man stands accused of colliding with a traffic island on 1 May 2019, in Vilvoorde, of failing to stop and of driving on to his home; whereas the police stated that debris from Filip De Man's vehicle was scattered along the road and that a visible trail ran from the scene of the accident to his home; whereas Filip De Man was finally interviewed by the police criminal investigation department, after numerous requests to attend had been sent, and explained that he had indeed knocked over the concrete post concerned and had been unable to stop because of the crowd of people on the street;

([1]) Judgment of the Court of Justice of 21 October 2008, Marra v De Gregorio and Clemente, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, Gollnisch v Parliament, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, Patriciello, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, Gollnisch v Parliament, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, Junqueras Vies, C-502/19, ECLI:EU:C:2019:1115.

C. whereas the alleged offence falls under Article 33 of the Belgian Law of 16 March 1968 on the policing of road traffic and is punishable by a term of imprisonment of between 15 days and six months and a fine of between EUR 200 and EUR 2 000;

D. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ([2]);

E. whereas under the first subparagraph of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament, and, in the territory of any other Member State, immunity from any measure of detention and from legal proceedings;

F. whereas the first paragraph of Article 59 of the Constitution of the Kingdom of Belgium provides as follows: 'Save in cases in flagrante delicto, no member of either House may, during a session and in criminal matters, be sent for trial or summoned directly before a court, or be arrested, except with the authorisation of the House of which he is a member.';

G. whereas it is for Parliament alone to decide, in a given case, whether or not to waive immunity; whereas Parliament may reasonably take account of the position of the Member in order to decide whether or not to waive his immunity ([3]);

H. whereas the alleged offence has no direct or obvious bearing on the performance by Filip De Man of his duties as a Member of the European Parliament, and nor does it constitute an opinion expressed or vote cast in the performance of those duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

I. whereas, in this case, Parliament has found no evidence of *fumus persecutionis*, i.e. a sufficiently serious and precise suspicion that the proceedings have been brought with the intention of causing the Member political damage;

1. Decides to waive the immunity of Filip De Man;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Kingdom of Belgium and to Filip De Man.

([2]) Judgment of the General Court of 30 April 2019, Briois v Parliament, T-214/18, ECLI:EU:T:2019:266.

([3]) Judgment of the General Court of 15 October 2008, Mote v Parliament, T-345/05, ECLI:EU:T:2008:440, paragraph 28.

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P9_TA(2021)0117

Request for waiver of the immunity of Zdzisław Krasnodębski

European Parliament decision of 27 April 2021 on the request for waiver of the immunity of Zdzisław Krasnodębski (2020/2224(IMM))

(2021/C 506/19)

The European Parliament,

— having regard to the request for waiver of the immunity of Zdzisław Krasnodębski, dated 9 September 2020 and submitted by the President of the District Court for Warsaw-Śródmieście in Warsaw, Criminal Division X, in connection with criminal proceedings brought against him by way of a private indictment, and announced in plenary on 22 October 2020,

— having heard Zdzisław Krasnodębski in accordance with Rule 9(6) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— having regard to Article 105(2) and (5) of the Constitution of the Republic of Poland,

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0132/2021),

A. whereas on 23 January 2020 the President of Criminal Division X of the District Court for Warsaw-Śródmieście, Poland, transmitted a request for waiver of the parliamentary immunity of Zdzisław Krasnodębski submitted to it by a private party on the grounds of certain statements made by Zdzisław Krasnodębski during a radio interview on 1 February 2019; whereas on 19 February 2020 Criminal Division X of the District Court for Warsaw-Śródmieście was informed that a question of the competence of the authority was at issue pursuant to Rule 9(1) and (12) of the Rules of Procedure, thereby bearing on the admissibility of the request; whereas on 18 May 2020 the Court requested clarifications with the Office of the Prosecutor-General and whereas on 8 September 2020 the Office of the Prosecutor-General expressed the position that 'where a private case is brought in which a public prosecutor is not participating, the authority competent to transmit a request from the private prosecutor for a waiver of immunity is the court, in accordance with Rule 9(1) and (12) of the Rules of Procedure of the European Parliament' and that the concept of 'competent authority' is to be interpreted in the light of Rule 9(12) of the Rules of Procedure; whereas the request for waiver of parliamentary immunity was communicated by the judicial authorities in accordance with Rule 9(12) of its Rules of Procedure, and whereas under Rule 9(1) of its Rules of Procedure, any request for waiver of parliamentary immunity must be submitted by 'a competent authority of a Member State', the two concepts not being identical;

B. whereas the private prosecution against Zdzisław Krasnodębski was initially lodged with the District Court for Kraków-Krowodrza on 6 May 2019; whereas on 18 October 2019, that court, acting *ex officio*, having established that the recording of the interview programme in which Zdzisław Krasnodębski took part took place at the radio studio in Warsaw and not in Kraków, ruled that it did not have jurisdiction to hear the case and referred it to the District Court for Warsaw-Śródmieście in Warsaw;

C. whereas on 1 February 2019, during a morning interview programme on a radio station, Zdzisław Krasnodębski referred to the private prosecutor as an 'unknown lawyer' and a 'gangster', and claimed that he was 'throwing accusations around left, right and centre';

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[1] Judgment of the Court of Justice of 21 October 2008, *Marra* v *De Gregorio and Clemente*, C 200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch* v *Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C 163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch* v *Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

D. whereas, in making those comments, Zdzisław Krasnodębski is alleged to have publicly slandered the private prosecutor, allegedly causing him to suffer a loss of the trust necessary for him to pursue his business activity and denigrating him in the eyes of the public, an offence which may be privately prosecuted under Article 212(2) of the Polish Criminal Code;

E. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union stipulates that Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;

F. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament enjoy, in the territory of their own state, the immunities accorded to members of the parliament of that state;

G. whereas according to Article 105(2) and (5) of the Polish Constitution, from the day of the announcement of the results of the elections until the day of the expiry of his/her mandate, a Deputy shall not be subjected to criminal accountability without the consent of the *Sejm* (lower house of parliament) and he/she shall be neither detained nor arrested without the consent of the *Sejm*, except for cases when he/she has been apprehended in the commission of an offence and in which his/her detention is necessary for securing the proper course of proceedings;

H. whereas the alleged actions do not relate to opinions expressed or votes cast by Zdzisław Krasnodębski in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

I. whereas, in this case, Parliament found no evidence of *fumus persecutionis*, i.e. factual elements which suggest that the intention underlying the legal proceedings in question is to undermine the Member's political activity as a Member of the European Parliament;

J. whereas Parliament cannot assume the role of a court, and whereas, in a waiver of immunity procedure, a Member cannot be regarded as a defendant ([2]);

K. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;

1. Decides to waive the immunity of Zdzisław Krasnodębski;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of Poland and to Zdzisław Krasnodębski.

([2]) Judgment of the General Court of 30 April 2019, *Briois* v *Parliament*, T-214/18, ECLI:EU:T:2019:266.

Tuesday 27 April 2021

P9_TA(2021)0118

Request for waiver of the immunity of Ioannis Lagos

European Parliament decision of 27 April 2021 on the request for waiver of the immunity of Ioannis Lagos (2020/2240(IMM))

(2021/C 506/20)

The European Parliament,

— having regard to the request submitted on 23 October 2020 by the Supreme Court Prosecutor of the Hellenic Republic for waiver of the immunity of Ioannis Lagos with a view to the enforcement against him of Decisions 2425, 2473, 2506 and 2644/2020 handed down by the Athens Court of Appeal (First Chamber with three judges adjudicating on criminal matters), announced in plenary on 11 November 2020,

— having heard Ioannis Lagos pursuant to Rule 9(6) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union and Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— having regard to Article 62 of the Constitution of the Hellenic Republic,

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0136/2021),

A. whereas the prosecutor responsible for these proceedings has requested waiver of the immunity of Ioannis Lagos, Member of the European Parliament, with a view to enforcing against him a prison sentence of thirteen (13) years and eight (8) months and a total fine of one thousand three hundred euros (EUR 1 300) for one major crime and two smaller offences;

B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union provides that Members of the European Parliament enjoy, in the territory of their own State, the immunities accorded to members of their parliament;

C. whereas Ioannis Lagos was elected to the European Parliament on 2 July 2019 and the request for waiver of immunity concerns acts and indictments relating to a period before he became a Member of the European Parliament and acquired immunity as such;

D. whereas, under Article 62 of the Constitution of the Hellenic Republic, no Member may, during his or her term of office, be prosecuted, arrested, imprisoned or subject to other measures involving deprivation of liberty without the authorisation of the Chamber of Deputies;

E. whereas Ioannis Lagos was found guilty of (a) the crime of membership and leadership of a criminal organisation (Article 187 (1) and (3) of the Criminal Code) committed in Athens between 2008 and today, (b) the offence of possession of a weapon (Law No 2168/1993), following an authorised amendment to the charge which was that of ownership of a weapon, committed in Perama (Attica) on 30 September 2013 and (c) breach of Law No 456/1976 on flare pistols and fireworks, committed in Perama (Attica) on 29 September 2013;

F. whereas the sentence handed down by the Athens appeal court is directly enforceable, the court having ruled that the appeal against the decision shall not have suspensory effect;

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[1] Judgment of the Court of Justice of 21 October 2008, Marra v De Gregorio and Clemente, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, Gollnisch v Parliament, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, Patriciello, C-163/10, ECLI:EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch* v *Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, Junqueras Vies, C-502/19, ECLI:EU:C:2019:1115.

G. whereas the Committee on Legal Affairs has duly noted the documents presented to it by Ioannis Lagos pursuant to Rule 9(6) of the Rules of Procedure and considered by him to be relevant to the proceedings;

H. whereas enforcement of the sentence does not concern opinions expressed or votes cast by Ioannis Lagos in the performance of his duties within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;

I. whereas, pursuant to Rule 9(8) of the Rules of Procedure, the Committee on Legal Affairs shall not, under any circumstances, pronounce on the guilt, or otherwise, of the Member, nor shall it pronounce on whether or not the opinions or acts attributed to the Member justify prosecution, even if the committee, in considering the request, acquires detailed knowledge of the facts of the case;

J. whereas it is not for the European Parliament to query the merits of national legal and judicial systems;

K. whereas the European Parliament is not empowered to assess or query the jurisdiction of the national judicial authorities in charge of the criminal proceedings under consideration;

L. whereas Ioannis Lagos is one of a number of individuals in a similar situation of being condemned by the Athens Appeal Court to a prison term of several years for the offences in question, the only difference being that he currently enjoys immunity as a Member of the European Parliament;

M. whereas, pursuant to Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole, and of its Members;

N. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;

O. whereas the alleged offences have no clear or direct bearing on the performance by Mr Ioannis Lagos of his duties as a Member of the European Parliament;

P. whereas they occurred prior to his election to the European Parliament; whereas on this basis, it cannot be claimed that the judicial proceedings initiated in 2014 were intended to hinder the future political activity of Ioannis Lagos as a Member of the European Parliament, since his future status as a Member of the European Parliament was at that time still hypothetical;

Q. whereas, in this case, Parliament found no evidence of *fumus persecutionis*, i.e. factual elements which suggest that the intention underlying the legal proceedings in question was to undermine the Member's political activity, including his activity as a Member of the European Parliament;

1. Decides to waive the immunity of Ioannis Lagos;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Supreme Court Prosecutor of the Hellenic Republic and to Ioannis Lagos.

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P9_TA(2021)0119

Request for waiver of the immunity of Ioannis Lagos

European Parliament decision of 27 April 2021 on the request for waiver of the immunity of Ioannis Lagos (2020/2219(IMM))

(2021/C 506/21)

The European Parliament,

— having regard to the request for waiver of the immunity of Ioannis Lagos, forwarded on 2 October 2020 by the Prosecutor at the Supreme Court of Greece, in connection with possible criminal charges by the Prosecutor of the Athens Court of First Instance (case file: ABM PB2020/65), and announced in plenary on 19 October 2020,

— having heard Ioannis Lagos in accordance with Rule 9(6) of its Rules of Procedure,

— having regard to Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,

— having regard to the judgments of the Court of Justice of the European Union of 21 October 2008, 19 March 2010, 6 September 2011, 17 January 2013 and 19 December 2019 [1],

— having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A9-0135/2021),

A. whereas the Prosecutor at the Supreme Court of Greece has submitted a request for waiver of the parliamentary immunity of Ioannis Lagos on the grounds of certain acts committed by Ioannis Lagos during a speech to the European Parliament on 29 January 2020;

B. whereas Ioannis Lagos has been accused of the alleged desecration of the national symbol of Turkey perpetrated during the plenary debate of 29 January 2020 on the migration situation at the Greek-Turkish border and the EU's common response to it;

C. whereas the act of desecration of a national symbol constitutes an offence under (1) Article 1(1) of Law 927/1979, as implemented by Law 4285/2014 and (2) Article 155, together with Articles 1, 12, 14, 26, 27, 51, 53, 57 and 79 of the Criminal Code of Greece;

D. whereas parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;

E. whereas, firstly, Parliament cannot be equated with a court, and, secondly, in the context of a procedure for the waiver of immunity, a Member of the European Parliament cannot be regarded as an 'accused' [2];

F. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union stipulates that 'Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties';

G. whereas Ioannis Lagos performed his actions during a plenary session of the European Parliament, within the precincts where the plenary sitting itself was being conducted, in the performance of his duties as a Member of the European Parliament;

H. whereas the actions by Ioannis Lagos were therefore made in the context of his duties as a Member of and his work at the European Parliament;

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[1] Judgment of the Court of Justice of 21 October 2008, *Marra* v *De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch* v *Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU:C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch* v *Parliament*, T-346/11 and T-347/11, ECLI:EU:T:2013:23; judgment of the Court of Justice of 19 December 2019, *Junqueras Vies*, C-502/19, ECLI:EU:C:2019:1115.

[2] Judgment of the General Court of 30 April 2019, *Briois* v *Parliament*, T-214/18, ECLI:EU:T:2019:266.

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1. Decides not to waive the immunity of Ioannis Lagos;

2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Hellenic Republic and to Ioannis Lagos.

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P9_TA(2021)0130

Interinstitutional agreement on a mandatory transparency register

European Parliament decision of 27 April 2021 on the conclusion of an interinstitutional agreement between the European Parliament, the Council of the European Union, and the European Commission on a mandatory transparency register (2020/2272(ACI))

(2021/C 506/22)

The European Parliament,

— having regard to the Conference of Presidents' decision of 9 December 2020, endorsing the draft interinstitutional agreement establishing a mandatory transparency register,

— having regard to the draft interinstitutional agreement between the European Parliament, the Council of the European Union, and the European Commission on a mandatory transparency register ('the Agreement'),

— having regard to Article 11(1) and (2) of the Treaty on European Union (TEU),

— having regard to Article 295 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the draft political statement of the European Parliament, the Council of the European Union and the European Commission on the occasion of the adoption of the interinstitutional agreement on a mandatory transparency register ('the political statement'),

— having regard to the interinstitutional agreement of 16 April 2014 between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation ('the 2014 Agreement') ([1]),

— having regard to the Commission proposal of 28 September 2016 for an Interinstitutional Agreement on a mandatory Transparency Register (COM(2016)0627),

— having regard to the European Parliament negotiating mandate on the Commission proposal of 28 September 2016 for an Interinstitutional Agreement on a mandatory Transparency Register, adopted by the Conference of Presidents on 15 June 2017,

— having regard to its resolution of 14 September 2017 on transparency, accountability and integrity in the EU institutions ([2]),

— having regard to the new package of transparency tools for Members, endorsed by the Conference of Presidents on 27 July 2018,

— having regard to its decision of 31 January 2019 on amendments to Parliament's Rules of Procedure affecting Chapters 1 and 4 of Title I; Chapter 3 of Title V; Chapters 4 and 5 of Title VII; Chapter 1 of Title VIII; Title XII; Title XIV and Annex II ([3]), in particular Rules 11 and 35,

— having regard to Rule 148(1) of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A9-0123/2021),

A. whereas Article 11(2) TEU states: 'The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society';

B. whereas the sanitary emergency due to the COVID pandemic has led to the emergence of new forms of interaction between interest representatives and decision-makers;

([1]) OJ L 277, 19.9.2014, p. 11.
([2]) OJ C 337, 20.9.2018, p. 120.
([3]) Texts adopted, P8_TA(2019)0046.

C. whereas the Union will disburse in various forms unprecedented volumes of financial support to the Member States in order to fight the consequences of the pandemic, and every decision related thereto has to be taken with full transparency, ensuring full accountability on the part of the Union's decision makers;

D. whereas citizens should have the greatest possible trust in the Union's institutions: whereas that trust, in order to exist, needs to be underpinned by a perception that interest representation is bound by high ethical standards and that their elected representatives at Union level, the Commissioners and the Union's officials are independent, transparent and accountable; whereas an independent body common to the Union's institutions could in the future contribute to the establishment of a common ethical framework for Union officials governing their interactions with interest representatives; whereas adherence of applicants and registrants to the Union's values and to general ethical standards should, where appropriate, be taken into account in the context of the functioning of the transparency register;

E. whereas the individual institutional measures implementing the Agreement are taken by Parliament at various levels and range from the adoption of implementing rules by the Bureau to the amendment of the Rules of Procedure;

F. whereas in the Agreement each of the three signatory institutions agrees to adopt individual decisions empowering the management board of the register ('the Management Board') and the secretariat of the register ('the Secretariat') to take decisions on its behalf in line with Article 9 and Article 15(2) of the Agreement;

Purpose and scope

1. Welcomes the Agreement as a further step enhancing the standards of ethical interest representation; recalls nevertheless that under Article 295 TFEU, the institutions can only make arrangements for their cooperation, and therefore have to rely on their powers of self-organisation in order to create de-facto obligations requiring third parties to subscribe to the register; reiterates its long-standing preference for establishing the transparency register via a legislative act, since this is the only way of legally binding third parties;

2. Insists that, in line with the political statement, the institutions commit to a coordinated approach on reinforcing the common transparency culture with a view to improving and further strengthening ethical interest representation; highlights their obligation under the Agreement, as well as under Article 13(2) TEU, to practise mutual sincere cooperation when developing the joint framework and that the institutions should therefore aim for the highest level of commitment; points out that the measures referred to in the Agreement represent a minimum and could be expanded further subject to political support and taking into consideration the existing constitutional and legal limitations of an interinstitutional agreement;

3. Reaffirms the need to continue with the interinstitutional dialogue with a view to establishing the transparency register on the basis of a legally binding act of Union secondary legislation;

4. Proposes that the Conference on the Future of Europe should discuss the possibility of establishing an autonomous legal basis that would enable the co-legislators to adopt Union legislative acts in accordance with the ordinary legislative procedure with the aim of imposing binding ethical rules on interest representatives in their interactions with the Union's institutions;

5. Welcomes the fact that the status of the Council of the European Union has changed from that of an observer to that of a formal party to the Agreement; considers nevertheless that its participation is limited to meetings with the most senior officials, and, under voluntary schemes only, meetings of the Permanent Representatives and Deputy Permanent Representatives during their presidency and six months before; insists that for the credibility of the joint framework all Permanent Representations should take an active part in it through their voluntary schemes, and continue to apply them after their presidency has ended and extend them, insofar as this is possible, to other officials;

6. Points out that in the negotiation process the Commission has not made any substantive additional commitments to the joint framework; regrets in particular that, with regard to personal scope, it covers only the most senior staff of the institutions; insists that any revision of the conditionality arrangements with regard to all three institutions should include meetings with other staff of the institutions, at Heads of Unit level and above;

7. Welcomes the commitments made by Parliament in the negotiation process on conditionality and complementary transparency measures; considers that the modification of Rules 11 and 35 of its Rules of Procedure have provided a strong commitment in that regard; welcomes the fact that the Agreement preserves the constitutional right of the Members to exercise their mandate freely;

8. Welcomes the possibility of involvement by Union institutions, bodies, offices and agencies on a voluntary basis; believes that such involvement should be encouraged by the signatory institutions, in line with their obligation to promote the use of the register and to make use of the register to the fullest extent; insists that such participation will require the signatory institutions to provide the register with further resources;

Covered activities

9. Highlights that the Agreement relies on an activity-based approach which includes indirect lobbying activities; insists on the importance of covering such activities, in particular in the context of the emergence, against the backdrop of the pandemic, of new forms of interaction of interest representatives with EU decision-makers;

10. Welcomes clarifications concerning the activities covered and not covered, including the exclusion of spontaneous encounters and coverage of intermediaries of third countries which do not enjoy diplomatic status;

11. Considers it to be important to define the meetings with interest representatives that should be published as meetings scheduled in advance; welcomes Commission's practice to publish also those meetings taking place in a different format than in person-meetings, such as by video-conference; insists that a scheduled telephone call should be considered a meeting as well;

Conditionality, annual report and review

12. Is of the opinion that the implementation of the conditionality measures and other complementary transparency measures through individual decisions is a way to respect the respective internal organisational powers of the three signatory institutions; welcomes in that regard the fact that the annual report has been expanded to cover the implementation of such measures adopted by the signatory institutions;

13. Proposes that the annual report include information on registrants who have been investigated and finally removed from the register because of non-compliance with the code of conduct;

14. Welcomes the timely and regular review of the implementation measures taken pursuant to Article 5 of the Agreement, with a view to making recommendations for the improvement and reinforcement of those measures;

15. Calls on the signatory institutions to conduct an analysis of the effects that new rules of transparency have on decision-making procedures, including conditionality and complementary transparency measures adopted by the institutions within the joint framework, and the impact that these rules have on the perception of citizens towards the Union institutions ahead of the next revision of the register;

16. Highlights that the clear and timely publication of the conditionality and complementary transparency measures is essential in order to ensure that transparency for interest representatives and citizens which underpins their trust in the good functioning of the joint framework;

Role of the European Parliament

17. Welcomes the commitments made by Parliament in the course of the negotiations, notably on the proposal 'Closing the loopholes — Parliament's proposals on conditionality' and insists on the need to fully implement and publish them in accordance with Article 5(3) of the Agreement without undue delay;

18. Stresses the need to ensure that, within Parliament, there is a high degree of political ownership of the implementation and review process; suggests that the review process provided for in Article 14 of the Agreement should be informed by, and shaped in, close cooperation with Parliament's Vice-President responsible for the transparency register;

19. Calls specifically for the following measures to be swiftly implemented by the Bureau and other relevant bodies:

(a) establishing a direct link between the publication of the meetings under Rule 11(3) and the transparency register and introducing substantive improvements in order to render this publication tool fully user-friendly and searchable;

(b) establishing a direct link between the legislative footprint provided for in Article 4(6) of the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, contained in Annex I to its Rules of Procedure, and the transparency register;

(c) introducing a rule for Parliament's officials from Head of Unit level to Secretary General, to meet only with registered interest representatives;

(d) issuing a recommendation for Parliament's staff to meet with individuals or organisations in the scope of the transparency register only if those are registered and to systematically verify that fact prior to their meetings;

(e) developing a comprehensive approach in order to make participation as a speaker at all events organised by committees or by intergroups, such as workshops and seminars as well as delegation meetings, conditional upon registration for anyone falling under the scope of the transparency register;

(f) developing a comprehensive and coherent approach with regard to co-hosting of events on Parliament's premises and making it, where appropriate, conditional upon registration for anyone falling under the scope of the transparency register;

20. Calls specifically on the Conference of the Committee Chairs

(a) to adopt guidelines in order to support rapporteurs, shadow rapporteurs and committee Chairs to fulfil their obligations under Rule 11(3);

(b) to adopt guidelines for committee secretariats to support Members by systematically reminding them of the possibility to publish, in line with Article 4(6) of the Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest, contained in Annex I to its Rules of Procedure, the list of interests representatives who have been consulted on matters pertaining to the subject of the report;

21. Calls on the Committee on Constitutional Affairs to consider, in the process of revision of the Parliament's Rules of Procedure, further transparency measures which should be introduced in order to enhance Parliament's commitment to the joint framework; underlines the importance of the formal requirements that apply to any revision of the Rules of Procedure;

Eligibility, code of conduct, information to be provided by the registrants

22. Notes that observance of the code of conduct, set out in Annex I to the Agreement, is part of the eligibility criteria and that registrants are to take into account confidentiality requirements and rules applicable to former Members and staff of the institutions which apply to those Members and staff after leaving office;

23. Welcomes clarification that registrants are not released from the obligation to ensure the observance of the same ethical standards when they outsource part of their activities to others;

24. Welcomes the fact that registrants are obliged to publish financial information of both clients and intermediaries and that financial information is also required from registrants who do not represent commercial interests; welcomes the fact that registrants are obliged not only to publish financial information once a year but also to keep that information up-to-date, in particular where a significant change occurs to details subject to implementing decisions;

25. Highlights that registrants are now obliged to provide information about the legislative proposals, policies or initiatives that they target; considers that this will contribute to increasing the transparency of the interests that they represent;

Secretariat and Management Board

26. Welcomes the undertaking to increase resources for maintenance, development and promotion of the register, as well as the Council's formal contribution to the Secretariat; believes that such commitments to the joint framework should enhance the capacity of the Secretariat to provide timely guidance to the registrants and support them in the registration and update of the requested data; points out, in particular, that human resources are very limited in proportion to the number of registrants in comparison with similar national schemes and that that limitation hampers the efficiency of the operation of the register; calls on the institutions to ensure the provision of the resources and staff necessary in order to guarantee the proper functioning of the Secretariat and the Management Board;

27. Considers that the equal footing of all three institutions in the operation of the Secretariat and of the Management Board should ensure consensus, develop the joint ownership of the framework and foster a common culture of transparency;

28. Welcomes the creation of the Management Board and its task to oversee the overall administrative implementation of the Agreement and act as review body for the measures taken by the Secretariat; welcomes the fact that the Agreement includes a robust administrative procedure ensuring the procedural rights of the registrants;

Procedural provisions

29. Approves the conclusion of the Agreement contained in Annex A to this Decision;

30. Approves the political statement of the European Parliament, the Council of the European Union and the European Commission contained in Annex B to this Decision, which will be published in the L series of the *Official Journal of the European Union* together with the Agreement;

31. Decides that, in accordance with Article 9 and Article 15(2) of the Agreement, as from the entry into force of the Agreement, the Management Board and the Secretariat shall be empowered to adopt on behalf of the European Parliament individual decisions concerning applicants and registrants, in accordance with the Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register [4];

32. Instructs its President to sign the Agreement with the President of the Council and the President of the Commission and arrange for its publication in the *Official Journal of the European Union*;

33. Instructs its President to forward this decision, including its Annexes, to the Council, the Commission and the parliaments of the Member States for information.

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[4] OJ L 207, 11.6.2021, p. 1.

Tuesday 27 April 2021

ANNEX A

INTERINSTITUTIONAL AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION, AND THE EUROPEAN COMMISSION ON A MANDATORY TRANSPARENCY REGISTER

(The text of this annex is not reproduced here since it corresponds to the interinstitutional agreement as published in OJ L 207, 11.6.2021, p. 1.)

ANNEX B

POLITICAL STATEMENT OF THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION ON THE OCCASION OF THE ADOPTION OF THE INTERINSTITUTIONAL AGREEMENT ON A MANDATORY TRANSPARENCY REGISTER

The European Parliament, the Council of the European Union and the European Commission recognise the importance of the principle of conditionality as a cornerstone of the coordinated approach the three institutions have taken with the aim of reinforcing a common transparency culture while setting high standards of transparent and ethical interest representation at Union level.

The European Parliament, the Council of the European Union and the European Commission acknowledge that the conditionality and complementary transparency measures in place regarding the following matters are consistent with the Interinstitutional Agreement on a Mandatory Transparency Register, reinforce the objective of their coordinated approach and constitute a firm basis on which to continue to build and to improve that approach and further strengthen ethical interest representation at Union level:

— meetings of decision-makers with registered interest representatives, where applicable ([1]);

— publication of meetings with interest representatives, where applicable ([2]);

— meetings of staff, particularly at senior level, with registered interest representatives ([3]);

— speaking at public hearings in the European Parliament ([4]);

— membership of Commission's expert groups and participation in certain events, forums or briefing sessions ([5]);

— access to the institutions' premises ([6]);

— patronage for events for registered interest representatives, where relevant;

— the political declaration of Member States to voluntarily apply, in accordance with national law and competences, the conditionality principle to meetings of their Permanent Representative and their Deputy Permanent Representative with interest representatives during their Presidency of the Council and in the preceding six months, and any further voluntary measure of individual Member States in accordance with national law and competences beyond this, both of which are equally noted.

([1]) Rule 11(2) of the Rules of Procedure of the European Parliament; Article 7 of Commission Decision of 31 January 2018 on a Code of Conduct for the Members of the European Commission (C(2018)0700) (OJ C 65, 21.2.2018, p. 7); point V of the Working Methods of the European Commission.

([2]) Rule 11(3) of the Rules of Procedure of the European Parliament; Commission Decision 2014/838/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (OJ L 343, 28.11.2014, p. 19); Commission Decision 2014/839/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (OJ L 343, 28.11.2014, p. 22).

([3]) Article 3 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives; point V of the Working Methods of the European Commission.

([4]) Article 7 of the Decision of the Bureau of the European Parliament of 18 June 2003 on rules on public hearings.

([5]) Rule 35 of the Rules of Procedure of the European Parliament; Article 8 of Commission Decision of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups (C(2016)3301); Articles 4 and 5 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives.

([6]) Rule 123 of the Rules of Procedure of the European Parliament read in conjunction with the Decision of the Secretary-General of 13 December 2013 on rules governing passes and authorisations granting access to Parliament's premises; Article 6 of the Council Decision on the regulation of contacts between the General Secretariat of the Council and interest representatives.

Tuesday 27 April 2021

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2021)0120

EU/Norway Agreement: modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union ***

European Parliament legislative resolution of 27 April 2021 on the draft Council decision on the conclusion on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (10643/20 — C9-0424/2020 — 2020/0230(NLE))

(Consent)

(2021/C 506/23)

The European Parliament,

— having regard to the draft Council decision (10643/20),

— having regard to the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (10644/20),

— having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph, and Article 218(6), of the Treaty on the Functioning of the European Union (C9-0424/2020),

— having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A9-0035/2021),

1. Gives its consent to the conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Kingdom of Norway.

Tuesday 27 April 2021

P9_TA(2021)0121

EU/Honduras Voluntary Partnership Agreement ***

European Parliament legislative resolution of 27 April 2021 on the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union (12543/2020 — C9-0084/2021 — 2020/0157(NLE))

(Consent)

(2021/C 506/24)

The European Parliament,

— having regard to the draft Council decision (12543/2020),

— having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union (10365/2020),

— having regard to the request for consent submitted by the Council in accordance with Article 207(3), first subparagraph and Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union (C9-0084/2021),

— having regard to its non-legislative resolution of 27 April 2021 ([1]) on the draft decision,

— having regard to Rule 105(1) and (4), and Rule 114(7) of its Rules of Procedure,

— having regard to the opinion of the Committee on Development,

— having regard to the recommendation of the Committee on International Trade (A9-0053/2021),

1. Gives its consent to the conclusion of the agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Honduras.

([1]) Texts adopted of that date, P9_TA(2021)0129.

Tuesday 27 April 2021

P9_TA(2021)0124

Establishing Horizon Europe — laying down its rules for participation and dissemination ***II

European Parliament legislative resolution of 27 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing Horizon Europe — the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (07064/2/2020 — C9-0111/2021 — 2018/0224(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/25)

The European Parliament,

— having regard to the Council position at first reading (07064/2/2020 — C9-0111/2021),

— having regard to the opinions of the European Economic and Social Committee of 17 October 2018 ([1]) and of 16 July 2020 ([2]),

— having regard to the opinion of the Committee of the Regions of 9 October 2018 ([3]),

— having regard to its position at first reading ([4]) on the Commission proposal to Parliament and the Council (COM(2018)0435),

— having regard to the amended Commission proposal (COM(2020)0459),

— 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 Industry, Research and Energy (A9-0122/2021),

1. Approves the Council position at first reading;

2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;

3. Approves its statement annexed to this resolution;

4. Takes note of the Council and Commission statements annexed to this resolution;

5. Notes that the act is adopted in accordance with the Council position;

6. 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;

7. 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*;

8. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 62, 15.2.2019, p. 33.
([2]) OJ C 364, 28.10.2020, p. 124.
([3]) OJ C 461, 21.12.2018, p. 79.
([4]) Texts adopted of 17.4.2019, P8_TA(2019)0395.

ANNEX

Joint political statement on the re-use decommitted funds in Horizon Europe

In the Joint Declaration on the re-use of decommitted funds in relation to the research programme [1] the European Parliament, the Council and the Commission agreed to make available again to the benefit of the research programme commitment appropriations, corresponding to the amount up to EUR 0,5 billion (in 2018 prices) in the period 2021-2027 of decommitments, which results from total or partial non-implementation of projects belonging to the 'Horizon Europe' Framework Programme or its predecessor 'Horizon 2020', as provided for in Article 15(3) of the Financial Regulation. Without prejudice to the powers of the budgetary authority and to the Commission's powers to implement the budget, the European Parliament, the Council and the Commission agree that the indicative distribution of that amount will be as follows up to:

— EUR 300 000 000 in constant 2018 prices for the cluster 'Digital, Industry and Space' in particular for quantum research;

— EUR 100 000 000 in constant 2018 prices for the cluster 'Climate, Energy and Mobility'; and

— EUR 100 000 000 in constant 2018 prices for the cluster 'Culture, Creativity and Inclusive Society'.

Parliament statement on association agreements

Article 218(6), second subparagraph, (a)(i) TFEU provides for the consent of the European Parliament in the case of association agreements within the meaning of Article 217 TFEU. Moreover, the conditions governing the association of a third country to Horizon Europe are often part of such association agreements. In order to give its consent, the European Parliament is to be informed immediately and fully at all stages of the procedure, in accordance with Article 218(10) TFEU. Furthermore, to ensure proper Parliamentary scrutiny it is necessary that those agreements cover all relevant aspects of the Union's relationship with a given third country concerning Horizon Europe.

The European Parliament therefore expects that when, pursuant to Article 218(9) TFEU, the Council adopts a decision pursuant to Article 218(9) TFEU establishing the positions to be adopted on behalf of the Union in a body set up by an agreement which entails the association of a third country to Horizon Europe, those positions do not result in a circumvention of the requirement for obtaining the European Parliament's consent by leaving the determination of essential aspects of that a third country's participation in Horizon Europe to that body.

Therefore, The European Parliament considers that such Council decisions pursuant to Article 218(9) TFEU, when they which concern parts of association agreements that deal with the association of a third country to Horizon Europe, should be kept to an absolute minimum. Furthermore, if the adoption of such a Council decision is being considered by the Union's negotiator or by the Council or its special committee when addressing directives to the negotiator, the European Parliament expects to be informed immediately and fully at all stages of the procedure, including by being provided a reasoned opinion on why the adoption of a position on behalf of the Union by a body set up by an agreement is necessary for the achievement of the Union's objectives as set out in the [Horizon Europe Regulation] and the [Council Decision establishing the specific programme]."

Statement by the Commission on Recital 47

The Commission intends to implement the EIC Accelerator budget in a way to ensure that the grant-only support to SMEs, including start-ups, corresponds to the support provided under the SME instrument budget of the Horizon 2020 Programme, in accordance with the terms established in Article 48, paragraph 1 and recital 47 of the Horizon Europe Regulation.

Statement by the Commission on Art. 6

Upon request, the Commission intends to exchange views with the responsible Committee in the European Parliament on: (i) the list of potential partnerships candidates based on the Articles 185 and 187 TFEU which will be covered by (inception) impact assessments; (ii) the list of tentative missions identified by the Mission boards; (iii) the results of the Strategic Plan before its formal adoption, and (iv) it will present and share documents related to work programmes.

[1] OJ C 444 I, 22.12.2020, p. 3.

Tuesday 27 April 2021

Statement by the Commission on ethics/stem cell research- Art. 19

For the Horizon Europe Framework Programme, the European Commission proposes to continue with the same ethical framework for deciding on the EU funding of human embryonic stem cell research as in Horizon 2020 Framework Programme.

The European Commission proposes the continuation of this ethics framework because it has developed, based on experience, a responsible approach for an area of science which holds much promise and that has proven to work satisfactorily in the context of a research programme in which researchers participate from many countries with very diverse regulatory situations.

1. The decision on the Horizon Europe Framework Programme explicitly excludes three fields of research from Union funding:

— research activities aiming at human cloning for reproductive purposes;

— research activities intended to modify the genetic heritage of human beings which could make such changes heritable;

— research activities intended to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer.

2. No activity will be funded that is forbidden in all Member States. No activity will be funded in a Member State where such activity is forbidden.

3. The decision on Horizon Europe and the provisions for the ethics framework governing the Union funding of human embryonic stem cell research entail in no way a value judgment on the regulatory or ethics framework governing such research in Member States.

4. In calling for proposals, the European Commission does not explicitly solicit the use of human embryonic stem cells. The use of human stem cells, be they adult or embryonic, if any, depends on the judgment of the scientists in view of the objectives they want to achieve. In practice, by far the largest part of Union funds for stem cell research is devoted to the use of adult stem cells. There is no reason why this would substantially change in Horizon Europe.

5. Each project proposing to use human embryonic stem cells must successfully pass a scientific evaluation during which the necessity of using such stem cells to achieve the scientific objectives is assessed by independent scientific experts.

6. Proposals which successfully pass the scientific evaluation are then subject to a stringent ethics review organised by the European Commission. In this ethics review, account is taken of principles reflected in the EU Charter of Fundamental Rights and relevant international conventions such as the Convention of the Council of Europe on Human Rights and Biomedicine signed in Oviedo on 4 April 1997 and its additional protocols and the Universal Declaration on the Human Genome and the Human Rights adopted by UNESCO. The ethics review also serves to check that the proposals respect the rules of the countries where the research will be carried out.

7. In particular cases, an ethics check may be carried out during the lifetime of the project.

8. Each project proposing to use human embryonic stem cells must obtain the approval of the relevant national or local ethics committee prior to the start of the relevant activities. All national rules and procedures must be respected, including on such issues as parental consent, absence of financial inducement, etc. Checks will be made on whether the project includes references to licensing and control measures to be taken by the competent authorities of the Member State where the research will be carried out.

9. A proposal that successfully passes the scientific evaluation, the national or local ethics reviews and the European ethics review will be presented for approval, on a case by case basis, to the Member States, meeting as a committee acting in accordance with the examination procedure. No project involving the use of human embryonic stem cells will be funded that does not obtain approval from the Member States.

10. The European Commission will continue to work to make the results from Union funded stem cell research widely accessible to all researchers, for the ultimate benefit of patients in all countries.

11. The European Commission will support actions and initiatives that contribute to a coordination and rationalisation of HESC research within a responsible ethical approach. In particular, the Commission will continue to support a European registry of human embryonic stem cell lines. Support for such a registry will allow a monitoring of existing human embryonic stem cells in Europe, will contribute to maximise their use by scientists and may help to avoid unnecessary derivations of new stem cell lines.

12. The European Commission will continue with the current practice and will not submit to the committee acting in accordance with the examination procedure proposals for projects which include research activities which destroy human embryos, including for the procurement of stem cells. The exclusion of funding of this step of research will not prevent Union funding of subsequent steps involving human embryonic stem cells.

Statement by the Commission on Art. 5

The Commission takes note of the compromise reached by the co-legislators on the wording of Article 5. In the Commission's understanding the specific programme on defence research mentioned in Article 1 paragraph 2 point c) is limited only to the research actions under the future European Defence Fund while the development actions are considered outside the scope of this Regulation.

Statement by the Commission on human rights on Art. 16.1.d

The Commission fully subscribes to the respect of human rights as laid down in Article 21 Treaty on the European Union and its 2nd sub-para 'The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph.' However, the Commission regrets the inclusion of the 'respect of human rights' in the set of criteria for third countries to fulfil in order to be eligible for association to the Programme under Article 16 paragraph 1 point d)(1) d. No other EU programme for the future Multiannual Financial Framework saw the need to include such an explicit reference, while there is no question that the EU is seeking to pursue a consistent approach in its external relations with third countries as far as Human Rights protection is concerned across all its instruments and policy areas, and which should guide the Commission in the implementation of this provision.

Statement by the Council

The Council calls on the Commission to ensure the greatest involvement of the Council, during the negotiations of agreements associating third countries to Union programmes, including the EU Framework Programme for Research and Innovation, Horizon Europe, in accordance with Article 218 TFEU. To this end, a special committee may be designated by the Council in consultation with which the negotiations, including with regard to the design and content of such agreements, are conducted, in accordance with Article 218(4) TFEU.

In this regard, the Council recalls the principle of sincere cooperation among the EU institutions, laid down in art. 13(2) TEU, second sentence, and the relevant case-law of the EU Court of Justice on Article 218(4) TFEU, according to which the Commission must provide the special committee with all the information and documents necessary to monitor the progress of the negotiations, such as, in particular, the general aims announced and the positions taken by the other parties throughout the negotiations, in due time before the negotiating meetings, in order to allow the formulation of opinions and advice relating to the negotiations ([2]).

Where agreements associating third countries to Union programmes already exist and include a standing authorisation for the Commission to determine the specific terms and conditions applicable to each country concerning its participation in any given programme, and where the Commission is assisted in this task by a special committee, the Council recalls that the Commission must act in consultation with that special committee in a systematic manner during the negotiating process, for example by sharing draft texts ahead of meetings with the relevant third countries and by providing regular briefings and debriefings.

Where agreements associating third countries to Union programmes already exist but where no special committee is foreseen, the Council considers that the Commission should similarly engage with the Council and its preparatory bodies in a systematic manner during the negotiating process when determining the specific terms and conditions for the association to Horizon Europe.

([2]) See judgment of 16 July 2015 in *Commission v Council,* C-425/13, EU:C:2015:483, paragraph 66.

Tuesday 27 April 2021

Statement by the Commission on International Cooperation

The Commission takes note of the Council's unilateral declaration, which it will duly consider, consistently with the Treaty, the jurisprudence of the EU Court of Justice, and the principle of institutional balance, when it consults the special committee under article 218(4) TFEU.

Statement by the Council on Art. 5

The Council recalls that it follows from Articles 179(3) and 182(1) TFEU, read in combination, that the Union can adopt only one multiannual Framework Programme setting out all the Union research and technological development activities. The Council is therefore of the view that the European Defence Fund mentioned in Art. 1(2)(c) of the Regulation establishing the Union Research Framework Programme — Horizon Europe, covering both the research and technological development activities of this Fund, is a specific programme implementing the Framework Programme within the meaning of Art. 182(3) TFEU and falls within the scope of the Regulation establishing that Framework Programme.

Tuesday 27 April 2021

P9_TA(2021)0125

Specific Programme implementing Horizon Europe — the Framework Programme for Research and Innovation *

European Parliament legislative resolution of 27 April 2021 on the draft Council decision on establishing the specific programme implementing Horizon Europe — the Framework Programme for Research and Innovation (08550/2019 — C9-0167/2020 — 2018/0225(CNS))

(Special legislative procedure — consultation)

(2021/C 506/26)

The European Parliament,

— having regard to the Council draft (08550/2019),

— having regard to the further request for consultation submitted by the Council in its letter of 18 June 2020 following the amended Commission proposal (COM(2020)0459) which supplemented the initial request for consultation,

— having regard to the revised version of the Council draft (06199/2021) which reflects the final outcome of the negotiations between the European Parliament and the Council,

— having regard to Article 182(4) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0167/2020),

— having regard to the exchange of views between Parliament, Council and Commission on 9 April 2019 pursuant to point 25 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [1],

— having regard to its position at first reading [2] on the Commission proposal to Parliament and the Council (COM(2018)0436),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Rules 82 and 40 of its Rules of Procedure,

— having regard to the report of the Committee on Industry, Research and Energy (A9-0118/2021),

1. Approves the Council draft hereinafter set out;

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.

P9_TC1-CNS(2018)0225

Position of the European Parliament adopted on 27 April 2021 with a view to the adoption of Council Decision (EU) 2021/… establishing the Specific Programme implementing Horizon Europe — the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Council Decision (EU) 2021/764.)

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[1] OJ L 123, 12.5.2016, p. 1.
[2] Texts adopted of 17.4.2019, P8_TA(2019)0396.

Tuesday 27 April 2021

P9_TA(2021)0126

European Institute of Innovation and Technology ***I

European Parliament legislative resolution of 27 April 2021 on the proposal for a regulation of the European Parliament and of the Council on the European Institute of Innovation and Technology (recast) (COM(2019)0331 — C9-0042/2019 — 2019/0151(COD))

(Ordinary legislative procedure — recast)

(2021/C 506/27)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2019)0331),

— having regard to Article 294(2) and Article 173(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0042/2019),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 30 October 2019 ([1]),

— after consulting the Committee of the Regions,

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ([2]),

— having regard to the letter of 10 January 2020 sent by the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 110(3) of its Rules of Procedure,

— having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 February 2021 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 110 and 59 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 Industry, Research and Energy (A9-0120/2020),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

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(2019)0151

Position of the European Parliament adopted at first reading on 27 April 2021 with a view to the adoption of Regulation (EU) 2021/… of the European Parliament and of the Council on the European Institute of Innovation and Technology (recast)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2021/819.)

([1]) OJ C 47, 11.2.2020, p. 69.
([2]) OJ C 77, 28.3.2002, p. 1.

Tuesday 27 April 2021

P9_TA(2021)0127

Strategic Innovation Agenda of the European Institute of Innovation and Technology ***I

European Parliament legislative resolution of 27 April 2021 on the proposal for a decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe (COM(2019)0330 — C9-0043/2019 — 2019/0152(COD))

(Ordinary legislative procedure: first reading)

(2021/C 506/28)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2019)0330),

— having regard to Article 294(2) and Article 173(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0043/2019),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 30 October 2019 [1],

— having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 February 2021 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 40 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 Industry, Research and Energy (A9-0121/2020),

1. Adopts its position at first reading hereinafter set out;

2. Suggests that the act be cited as 'the Decision on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe';

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P9_TC1-COD(2019)0152

Position of the European Parliament adopted at first reading on 27 April 2021 with a view to the adoption of Decision (EU) 2021/… of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 2021-2027: Boosting the Innovation Talent and Capacity of Europe and repealing Decision No 1312/2013/EU

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2021/820.)

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[1] OJ C 47, 11.2.2020, p. 69.

Tuesday 27 April 2021

P9_TA(2021)0128

Union Civil Protection Mechanism ***I

European Parliament legislative resolution of 27 April 2021 on the proposal for a decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (COM(2020)0220 — C9-0160/2020 — 2020/0097(COD))

(Ordinary legislative procedure: first reading)

(2021/C 506/29)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2020)0220),

— having regard to Article 294(2) and Articles 196(2) and 322(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0160/2020),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the Court of Auditors of 28 September 2020 ([1]),

— having regard to the opinion of the European Economic and Social Committee of 29 October 2020 ([2]),

— having regard to the opinion of the Committee of the Regions of 14 October 2020 ([3]),

— having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 17 February 2021 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 40 of its Rules of Procedure,

— having regard to the opinion of the Committee on Budgets,

— having regard to the letter from the Committee on Development,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0148/2020),

1. Adopts its position at first reading hereinafter set out ([4]);

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)0097

Position of the European Parliament adopted at first reading on 27 April 2021 with a view to the adoption of Regulation (EU) 2021/… of the European Parliament and of the Council amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2021/836.)

([1]) OJ C 385, 13.11.2020, p. 1.
([2]) OJ C 10, 11.1.2021, p. 66.
([3]) OJ C 440, 18.12.2020, p. 150.
([4]) This position replaces the amendments adopted on 16 September 2020 (Texts adopted, P9_TA(2020)0218).

Tuesday 27 April 2021

P9_TA(2021)0129

EU/Honduras Voluntary Partnership Agreement

European Parliament non-legislative resolution of 27 April 2021 on the draft Council decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union (12543/2020 — C9-0084/2021 — 2020/0157M(NLE))

(2021/C 506/30)

The European Parliament,

— having regard to the draft Council Decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union (12543/2020),

— having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union (10365/2020),

— having regard to the request for consent submitted by the Council in accordance with the first subparagraphs of Articles 207(3) and 207(4), in conjunction with Article 218(6), second subparagraph, point (a)(v), and with Article 218(7) of the Treaty on the Functioning of the European Union (C9-0084/2021),

— having regard to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community [1] (FLEGT Regulation),

— having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market [2] (EU Timber Regulation),

— having regard to the Paris Climate Agreement,

— having regard to the UN Sustainable Development Goals,

— having regard to the European Green Deal (COM(2019)0640) and to its resolution of 15 January 2020 thereon [3],

— having regard to its resolution of 16 September 2020 on the EU's role in protecting and restoring the world's forests [4],

— having regard to its resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation [5],

— having regard to its resolution of 14 April 2016 on Honduras: situation of human rights defenders [6],

— having regard to the ongoing fitness check on the EU rules applicable to illegal logging, notably the EU Timber Regulation and FLEGT Regulation,

— having regard to the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan of 2003 and the Work Plan for its implementation 2018-2022,

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[1] OJ L 347, 30.12.2005, p. 1.
[2] OJ L 295, 12.11.2010, p. 23.
[3] Texts adopted, P9_TA(2020)0005.
[4] Texts adopted, P9_TA(2020)0212.
[5] Texts adopted, P9_TA(2020)0285.
[6] OJ C 58, 15.2.2018, p. 155.

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— having regard to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America, on the other ([7]),

— having regard to the annual High-Level Policy Dialogue between Honduras and the EU in the forest sector,

— having regard to the declaration by the High Representative on behalf of the EU of 6 December 2019 on the extension of the mandate of the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH),

— having regard to its legislative resolution of 27 April 2021 on the draft Council decision ([8]),

— having regard to Rule 105(2) of its Rules of Procedure,

— having regard to the opinion of the Committee on Development,

— having regard to the report of the Committee on International Trade (A9-0054/2021),

A. whereas almost half of the land area in Honduras is covered by forests, half of which is tropical rainforest; whereas there is still a huge resource of unclassified trees and species; whereas Honduras has lost about 12,5 % of its forest area since 2015 due mainly to a pest infestation, most likely caused by climate change, while some forest area has been lost due to fires, deforestation and illegal logging;

B. whereas Honduras passed its Climate Change Law in 2014 and the following year became the first state to publish its first nationally determined contribution (NDC) in the framework of the Paris Agreement, of which one commitment is to restore one million hectares of forests;

C. whereas the share of the forest sector in Honduras' economy has decreased over the years, having accounted for around 3,6 % of gross national product (GNP) in the last 16 years, owing to stricter requirements on the legality of timber in Honduras' export markets and to forest destruction; whereas the Voluntary Partnership Agreement (VPA) process, which emphasises legality and good governance, is helping the forest sector to increase its share, provide decent rural jobs and generate income for Hondurans;

D. whereas the volume of timber traded between Honduras and the EU is currently modest and accounts for less than 2 % of Honduras' timber exports, with the US being the biggest trading partner and with increasing exports to neighbouring countries El Salvador and Nicaragua; whereas the VPA could open up more opportunities for Honduras to export to the EU and new markets;

E. whereas Honduras is a lower-middle income country according to a classification by the World Bank; whereas it is the second poorest country in Latin America and the third poorest in the Western Hemisphere; whereas Honduras needs to overcome many challenges in order to fight poverty, inequality, corruption, violence and impunity, which remain persistent concerns, and improve the well-being of its citizens, as well as the situation of women's rights, not least given the recent backlash against sexual and reproductive health and rights;

F. Notes that the Government of Honduras has made positive commitments and initiated legislation to protect human rights defenders; regrets the abuses, violence, arbitrary detentions, threats and killings of human, indigenous and land rights defenders and environmental activists; whereas Honduras is not a signatory to the Escazú Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, which is the first ever environmental agreement to contain specific provisions on environmental and human rights defenders;

G. whereas the mandate of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) ended in January 2020 and was not renewed; whereas the EU and its Member States had called on the Government of Honduras to renew this mandate in order to strengthen the rule of law in the country;

([7]) OJ L 346, 15.12.2012, p. 3.
([8]) Texts adopted of that date, P9_TA(2021)0121.

H. whereas the EU-Central America Association Agreement was concluded in 2012, with the trade pillar having been provisionally applied since 1 August 2013;

I. whereas in 2013, Honduras became the first Latin American country to start negotiations with the EU on a FLEGT VPA, resulting in the initialling of a draft agreement in 2018;

J. whereas the objective of the VPA is to ensure that all shipments of timber and timber products from Honduras destined for the EU market will comply with a Honduran Timber Legality Assurance System (TLAS) and thereby qualify for FLEGT licence; whereas domestic timber and timber destined for other export markets will also need to comply with TLAS and will be subject to the issuance of an H-Legal Certificate;

K. whereas the TLAS is based on a legality definition, supply chain controls, verification of compliance, FLEGT licensing and an independent audit;

L. whereas the agreement covers the five obligatory timber products under the FLEGT Regulation — logs, sawn timber, railway sleepers, plywood and veneer — and a number of other timber products;

M. whereas the purpose and expected benefits of FLEGT VPAs go beyond the facilitation of trade in legal timber, as they are also designed to bring about systemic changes in forest governance, law enforcement, including labour law and indigenous peoples' rights, transparency and the inclusion of various stakeholders in the political decision-making process, in particular civil society organisations (CSOs) and indigenous communities, as well as support for economic integration and respect for international sustainable development goals; whereas the negotiations leading to the conclusion of this VPA have created a space for cooperation among different stakeholders to discuss environmental, human rights, social and economic issues; whereas Honduras shall ensure that the implementation and monitoring of the VPA involves the relevant stakeholders, irrespective of their gender, age, location, religion or beliefs, ethnic origin, race, language or disability and the participation of the private sector, civil society, local communities, indigenous and Afro-descendant peoples of Honduras and others dependent on forests ([9]);

N. whereas the VPA provides for a Joint Implementation Committee which is responsible for its implementation and monitoring;

O. whereas the EU provided support for the negotiation process via three bilateral programmes under its development assistance;

P. whereas general elections will take place in Honduras by the end of 2021;

Q. whereas Honduras has ratified the International Labour Organization (ILO) Convention No 169 on Indigenous and Tribal Peoples, but has not fully implemented it and has not introduced in its legislation the key principle of free, prior and informed consent stemming from the UN Declaration on the Rights of Indigenous Peoples;

1. Welcomes the conclusion of negotiations on the VPA between the EU and Honduras, which will ensure that only legally logged timber is imported into the EU from Honduras, promote sustainable forest management practices and sustainable trade in legally produced timber, and improve forest governance, law enforcement (including labour and occupational, health and safety obligations), human rights, transparency, accountability and institutional resilience in Honduras, bearing in mind that forests are important to the Honduran economy and that the problem of deforestation in the country should be addressed more effectively; calls for the swift ratification of the VPA by both sides so it can enter into force in 2021 and pave the way for the subsequent important steps in terms of implementation, including the setting up of licensing;

2. Expresses its solidarity with Honduras, which recently suffered two hurricanes that brought severe consequences in addition to the COVID-19 pandemic, which has also hit the country very hard; stresses the need to tackle urgently and on a global scale the root causes of such extreme weather phenomena and zoonosis, which are linked to climate change, deforestation and biodiversity loss;

([9]) Pursuant to Article 16 of the VPA.

3. Greatly appreciates the fact that Honduras managed to ensure the involvement of its government institutions, civil society, private sector, indigenous and Afro-descendant peoples, academia and communities in the VPA drafting process, who accepted this offer and provided their contributions; welcomes the fact that all of these sectors of society agreed to sit around the same negotiating table, thereby ensuring a feeling of inclusiveness and the possibility to contribute;

4. Recognises that the full implementation of the VPA will be a long-term process which will require the adoption of a whole set of legislation and adequate administrative capacity and expertise for its implementation and enforcement; recalls that FLEGT licencing can only begin once Honduras has demonstrated the readiness of its TLAS;

5. Stresses that the implementation stage requires genuine and continued consultations and substantial multistakeholder involvement, including the meaningful participation of CSOs and local and indigenous communities in decision-making so as to guarantee the principle of free, prior and informed consent; recalls the need to enhance transparency and ensure the effective public disclosure of information and the timely sharing of documents with local and indigenous peoples; calls on the Commission, the EU Delegation to Honduras and the Member States to ensure and provide substantial capacity-building and logistical and technical support in the framework of present and future development cooperation instruments in order to enable Honduras to fulfil the commitments for the implementation of the TLAS and related measures;

6. Welcomes the recent adoption of the Honduran VPA implementation action plan and calls on the Government of Honduras to follow a concrete, time-bound and measurable approach;

7. Is alarmed at the fact that more than 20 activists for environmental protection and the rights of indigenous peoples have been killed since the initialling of the VPA in July 2018; believes that the success of the VPA will depend to a large extent on the creation of a safe and enabling environment for the protection of environmental activists and human right defenders and whistleblowers, ensuring effective remedies for human rights violations and combating impunity; stresses, in this respect, that the ratification of the Escazú Agreement would be a significant step in the right direction; urges the Government of Honduras to take steps to this end;

8. Believes that the fight against corruption needs to be constant; welcomes the fact that transparency has proven useful in the process to concluding the VPA and should be fully ensured in the forthcoming implementation process; stresses that the success of the FLEGT also depends on tackling fraud and corruption throughout the timber supply chain; calls, to this effect, for the EU to strengthen the scope and enforcement of the EU Timber Regulation in order to tackle corruption risks in the EU's timber supply chain, including through more regular and systematic controls and investigations at EU ports; notes Honduras' efforts hitherto in making advances towards greater transparency and urges the Government of Honduras to provide incentives in the various stages of the forest value chain so as to increase transparency and ensure inclusion of the most vulnerable operators, such as young people and women from indigenous communities, people of African descent and small farmers; urges the Government of Honduras, furthermore, to work to stop widespread corruption and address other factors fuelling illegal logging and forest degradation, with particular regard to customs, the Honduras Forest Authority and the ministries dealing with forests and land rights, and other authorities that will play a pivotal role in the implementation and enforcement of the VPA; stresses the need to end impunity in the forest sector by ensuring that infractions are prosecuted;

9. Urges the Government of Honduras to renew the mandate for the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), which ended in January 2020;

10. Welcomes the fact that Honduras is the first VPA country that had indigenous peoples as a separate interest group at the negotiating table, and the brave participation of indigenous peoples' groups, with their particular insights and contributions; calls for the rapid inclusion of free, prior and informed consent in the legality definition and for the adoption of the relevant laws in Honduras;

11. Recognises that the process of negotiating a VPA can allow sectors to identify shared goals and priorities to work towards sustainable forest management, as well as offer an important opportunity for societies to allow for participative management of their forests at local, community and regional levels and even up to national or federal level;

12. Is aware of the fact that the crucial land tenure rights and rights of indigenous communities in Honduras need clarification and that concrete safeguards are needed on land tenure for local and indigenous communities; recalls that access to, use of and control over land has been a major source of social conflicts, violence and human rights abuses in Honduras; recalls, in particular, that according to the Office of the UN High Commissioner for Human Rights, approximately 80 % of privately held land in Honduras is either untitled or improperly titled, while it may take years to resolve title disputes, owing to the weakness of the judicial system; urges the Government of Honduras to allocate more resources to and strengthen the coordination of the public institutions involved;

13. Emphasises the importance of land use in forest governance and that a strategic vision in forest governance linked to climate change issues is needed; calls on the Government of Honduras to ensure close coordination between the existing different initiatives in the forest sector, such as Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD+), the FLEGT VPA and NDCs;

14. Calls on the Government of Honduras to strengthen vigilance and forest fire protection zones on privately owned lands; calls for supply chain management to be rolled out in the animal husbandry, coffee and palm oil sectors, as this is essential to address the root causes of deforestation;

15. Believes that the successful negotiations of this VPA demonstrate the importance of the Union's Delegations to third countries;

16. Calls for gender analysis to be mainstreamed into all activities and projects linked to the implementation of the FLEGT VPA; calls for quantitative and qualitative gender-disaggregated analysis of land tenure, ownership of assets and financial inclusion in sectors impacted by trade; calls on the Commission to support these endeavours with technical and human resources;

17. Expresses its deep concern over the amendment of abortion laws in Honduras and some EU Member States;

18. Stresses the importance of forest jobs and rural employment in the economy of Honduras, which should be taken into account for the implementation of the VPA; sees the VPA as a tool to promote decent work; calls on the Commission and the Honduran authorities to conduct an exhaustive impact assessment of the VPA on the workers and small producers of the sector who could be affected by increased logging controls; calls on the Commission to promote and support programmes for the workers and producers affected to enable them to remain competitive in the sector;

19. Asks the Commission to report to Parliament regularly on the implementation of the agreement, including on the work of the Joint Implementation Committee, and invites the Commission to actively engage with Parliament, in particular by inviting it to send a delegation to participate in the work of the Joint Implementation Committee;

20. Calls on the Member States to fully comply with, implement and enforce the EU Timber Regulation; calls on the Commission to consider improving the FLEGT Regulation as regards FLEGT licensing during the next review exercise in order to enable it to respond quickly to cases of significant infringements of VPA commitments;

21. Stresses that countries all over the world which either have or aim to have regulated import markets for legal timber would benefit from cooperating and, where possible, endorsing each other's rules and systems, such as the EU's FLEGT and VPAs; emphasises that international standards would be more effective and promote long-term legal security for business and consumers;

22. Underlines that VPAs provide an important legal framework for both the EU and its partner countries, made possible by the good cooperation and engagement of the countries concerned; supports the Commission in finding additional potential partners for future VPAs under FLEGT;

23. Believes that the EU has a very important and responsible role to play and obligation to abide by in improving both the supply and the demand side of timber in order to reject illegally produced timber and assist exporting countries in their efforts to combat illegal logging and corruption, which results in the destruction of their forests, climate change and human

rights violations; stresses the need to complement this work with a forthcoming due diligence and forest-risk commodity specific EU due diligence regulation; notes the importance of Honduras as a globally significant producer of coffee;

24. Highlights that VPAs are part and parcel of the EU's efforts to achieve the targets set by the Paris Agreement and the UN 2030 Agenda, notably the Sustainable Development Goals; invites the Commission and the Member States to fully integrate the FLEGT agenda into the new strategic framework of the European Green Deal by encouraging its promotion at global and regional level and further strengthening international cooperation between producing and importing countries;

25. Calls for the EU to ensure policy coherence for sustainable development between the VPA and all its policies, including in the fields of trade, development, agriculture and the environment, while ensuring the complementarity of the VPA with EU commitments to environmental and climate protection;

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

Tuesday 27 April 2021

P9_TA(2021)0134

Non-objection to a delegated act: Examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products

European Parliament decision to raise no objections to the Commission delegated regulation of 24 March 2021 amending Regulation (EC) No 1234/2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (C(2021)01603 — 2021/2616(DEA))

(2021/C 506/31)

The European Parliament,

— having regard to the Commission delegated regulation of 24 March 2021 amending Regulation (EC) No 1234/2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (C(2021)01603),

— having regard to the Commission's letter of 9 March 2021 asking Parliament to declare that it will raise no objections to the delegated regulation,

— having regard to the letter from the Committee on the Environment, Public Health and Food Safety to the Chair of the Conference of Committee Chairs of 16 April 2021,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use ([1]), and in particular Article 23b and Article 121a(6) thereof,

— having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ([2]), and in particular Article 16a(3) and Article 87b(6) thereof,

— having regard to Rule 111(6) of its Rules of Procedure,

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

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 111(6) of its Rules of Procedure, which expired on 27 April 2021,

A. whereas Commission Regulation (EC) No 1234/2008 ([3]) lays down provisions concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products;

B. whereas, based on the scientific assessment of the European Medicines Agency, the Commission has authorised several COVID-19 vaccines;

C. whereas, in order to ensure the continued effectiveness of authorised COVID-19 vaccines, it may be necessary to modify them in ways that involve changing their composition so as to protect against new or multiple variant strains in the context of the pandemic or otherwise;

D. whereas, in its communication of 17 February 2021 entitled 'HERA Incubator: Anticipating together the threat of COVID-19 variants' ([4]), the Commission announced a number of measures that will be put in place to effectively cater for a situation where new variants of the COVID-19 virus may potentially impact the fight against the current pandemic; whereas the announced measures included the amendment of the current regulatory procedure in order to allow for an accelerated approval of COVID-19 vaccines adapted to the new variants;

([1]) OJ L 311, 28.11.2001, p. 67.
([2]) OJ L 136, 30.4.2004, p. 1.
([3]) Commission Regulation (EC) No 1234/2008 of 24 November 2008 concerning the examination of variations to the terms of marketing authorisations for medicinal products for human use and veterinary medicinal products (OJ L 334, 12.12.2008, p. 7).
([4]) COM(2021)0078.

E. whereas, on 24 March 2021, the Commission transmitted to Parliament the delegated regulation, which opened the three-month scrutiny period for Parliament to object to that delegated regulation;

F. whereas the Commission delegated regulation provides that subject to specific conditions, the Commission may, where certain pharmaceutical, non-clinical or clinical data are missing, exceptionally and temporarily accept a variation to the terms of a marketing authorisation for a human influenza vaccine or a human coronavirus vaccine; whereas, however, where such a variation is accepted, its holder shall submit the missing pharmaceutical, non-clinical and clinical data within a time limit set by the relevant authority;

G. whereas the Commission delegated regulation will allow that a variation request by the marketing authorisation holder can be analysed on the basis of an initial dataset, which will be complemented with additional data by the marketing authorisation holder post-approval, and therefore make the regulatory process simpler and easier, both for regulatory authorities and vaccine developers;

H. whereas the Commission delegated regulation should enter into force by 26 April 2021 to ensure that vaccine developers, which are starting to prepare their COVID-19 vaccines for variants, as well as regulators can make full use of the adapted system;

1. Declares that it has no objections to the delegated regulation;

2. Instructs its President to forward this decision to the Council and the Commission.

Tuesday 27 April 2021

P9_TA(2021)0135

Programme for the internal market, competitiveness of enterprises, the area of plants, animals, food and feed and European statistics (Single Market Programme) 2021-2027 ***II

European Parliament legislative resolution of 27 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (14281/1/2020 — C9-0133/2021 — 2018/0231(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/32)

The European Parliament,

— having regard to the Council position at first reading (14281/1/2020 — C9-0133/2021),

— having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ([1]) ,

— having regard to the opinion of the Committee of the Regions of 5 December 2018 ([2])

— having regard to its position at first reading ([3]) on the Commission proposal to Parliament and the Council (COM(2018)0441),

— 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 the Internal Market and Consumer Protection (A9-0142/2021),

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. 40.
([2]) OJ C 86, 7.3.2019, p. 259.
([3]) Texts adopted of 12.2.2019, P8_TA(2019)0073

Tuesday 27 April 2021

P9_TA(2021)0136

European Globalisation Adjustment Fund for Displaced Workers (EGF) 2021-2027 ***II

European Parliament legislative resolution of 27 April 2021 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 European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 (05532/1/2021 — C9-0139/2021 — 2018/0202(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/33)

The European Parliament,

— having regard to the Council position at first reading (05532/1/2021 — C9-0139/2021),

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 12 December 2018 ([1]),

— having regard to the opinion of the Committee of the Regions of 5 December 2018 ([2]),

— having regard to the opinion of the Commission (COM(2021)0196),

— having regard to its position at first reading ([3]) on the Commission proposal to Parliament and the Council (COM(2018)0380),

— 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 Employment and Social Affairs (A9-0140/2021),

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 110, 22.3.2019, p. 82.
([2]) OJ C 86, 7.3.2019, p. 239.
([3]) OJ C 411, 27.11.2020, p. 300.

Tuesday 27 April 2021

P9_TA(2021)0137

Citizens, Equality, Rights and Values Programme 2021-2027 ***II

European Parliament legislative resolution of 27 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014 (06833/1/2020 — C9-0144/2021 — 2018/0207(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/34)

The European Parliament,

— having regard to the Council position at first reading (06833/1/2020 — C9-0144/2021),

— having regard to the opinion of the European Economic and Social Committee of 18 October 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)0383),

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,

— having regard to Rule 67 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A9-0144/2021),

1. Approves the Council position at first reading;

2. Approves the joint declaration by Parliament and the Council annexed to this resolution;

3. Notes that the act is adopted in accordance with the Council position;

4. Instruct 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;

5. 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, together with joint declaration of the European Parliament and the Council thereon, in the *Official Journal of the European Union*;

6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 62, 15.2.2019, p. 178.
([2]) OJ C 461, 21.12.2018, p. 196.
([3]) Texts adopted of 17.4.2019, P8_TA(2019)0407.

Tuesday 27 April 2021

ANNEX

Joint declaration of the European Parliament and the Council on financing the Union values strand in 2021

Without prejudice to the powers of the budgetary authority, the co-legislators agree that the Union Values strand of the Citizenship, Equality, Rights and Values programme should be equipped with substantial funding from 1 January 2021.

The co-legislators call upon the Commission to take appropriate actions to reach that objective, especially to assess the use of flexibility instruments under the legal framework of the annual EU budget for 2021, in accordance with the activation criteria laid down in the MFF regulation.

Tuesday 27 April 2021

P9_TA(2021)0138

Justice programme 2021-2027 ***II

European Parliament legislative resolution of 27 April 2021 on the Council position at first reading in a view to the adoption of a regulation of the European Parliament and of the Council establishing the Justice Programme and repealing Regulation (EU) No 1382/2013 (06834/1/2020 — C9-0138/2021 — 2018/0208(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/35)

The European Parliament,

— having regard to the Council position at first reading (06834/1/2020 — C9-0138/2021),

— having regard to the opinion of the European Economic and Social Committee of 18 October 2018 ([1]),

— after consulting the Committee of the Regions,

— having regard to its position at first reading ([2]) on the Commission proposal to Parliament and the Council (COM(2018)0384),

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure,

— having regard to Rule 67 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Legal Affairs and of the Committee on Civil Liberties, Justice and Home Affairs (A9-0146/2021),

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. 178.
([2]) Texts adopted on 17.4.2019, P8_TA(2019)0097.

Tuesday 27 April 2021

P9_TA(2021)0139

Space programme 2021-2027 and European Union Agency for the Space Programme ***II

European Parliament legislative resolution of 27 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (14312/1/2020 — C9-0140/2021 — 2018/0236(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/36)

The European Parliament,

— having regard to the Council position at first reading (14312/1/2020 — C9-0140/2021),

— having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ([1]),

— having regard to the opinion of the Committee of the Regions of 6 December 2018 ([2]),

— having regard to its position at first reading ([3]) on the Commission proposal to Parliament and the Council (COM(2018)0447),

— 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 Industry, Research and Energy (A9-0141/2021),

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. 51.
([2]) OJ C 86, 7.3.2019, p. 365.
([3]) Texts adopted of 17.4.2019, P8_TA(2019)0402.

Wednesday 28 April 2021

P9_TA(2021)0140

The EU-UK Trade and Cooperation Agreement ***

European Parliament legislative resolution of 28 April 2021 on the draft Council decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (05022/2021 — C9-0086/2021 — 2020/0382(NLE))

(Consent)

(2021/C 506/37)

The European Parliament,

— having regard to the draft Council decision (05022/2021),

— having regard to the draft Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (05198/2021),

— having regard to the draft Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (05203/2021),

— having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph and Article 218(8), second subparagraph of the Treaty on the Functioning of the European Union (C9-0086/2021),

— having regard to its resolution of 12 February 2020 on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland [1],

— having regard to its recommendation of 18 June 2020 on the negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland [2],

— having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,

— having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on International Trade under Rule 58 of the Rules of Procedure,

— having regard to the letters of the Committee on Legal Affairs, Committee on Development, Committee on Budgetary Control, Committee on Economic and Monetary Affairs, Committee on Employment and Social Affairs, Committee on Environment, Public Health and Food Safety, Committee on Industry, Research and Energy, Committee on Internal Market and Consumer Protection, Committee on Transport and Tourism, Committee on Regional Development, Committee on Agriculture and Rural Development, Committee on Fisheries, Committee on Culture and Education, Committee on Civil Liberties, Justice and Home Affairs and Committee on Constitutional Affairs,

— having regard to the recommendation of the Committee on Foreign Affairs and the Committee on International Trade (A9-0128/2021),

1. Gives its consent to the conclusion of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United Kingdom.

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[1] Texts adopted, P9_TA(2020)0033.
[2] Texts adopted, P9_TA(2020)0152.

Wednesday 28 April 2021

P9_TA(2021)0142

Multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean ***I

European Parliament legislative resolution of 28 April 2021 on the proposal for a regulation of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (COM(2019)0619 — C9-0188/2019 — 2019/0272(COD))

(Ordinary legislative procedure: first reading)

(2021/C 506/38)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2019)0619),

— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0188/2019),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries (A9-0149/2020),

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(2019)0272

Position of the European Parliament adopted at first reading on 28 April 2021 with a view to the adoption of Regulation (EU) 2021/… of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107 and (EU) 2019/833 and repealing Regulation (EU) 2016/1627

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 43(2) thereof,

Having regard to the proposal from the European Commission,

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

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

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

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([1]) OJ C …
([2]) Position of the European Parliament of 28 April 2021.

Whereas:

(1) The objective of the Common Fisheries Policy as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([3]), is to ensure an exploitation of marine biological resources that provides sustainable economic, environmental and social conditions.

(2) By Council Decision 98/392/EC ([4]), the Union has approved the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union takes part in efforts made in international waters to conserve fish stocks.

(3) The Union is Party to the International Convention for the Conservation of Atlantic Tunas ([5]) ('the Convention').

(4) At its 21st special meeting in 2018, the International Commission for the Conservation of Atlantic Tunas ('ICCAT'), established by the Convention, adopted Recommendation 18-02 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean ('the Management Plan').The Management Plan follows the advice from the ICCAT's Standing Committee on Research and Statistics ('SCRS') stating that ICCAT should establish a multiannual management plan for the stock in 2018 since the current status of the stock no longer appears to require the emergency measures introduced under the recovery plan for bluefin tuna (established by Recommendation 17-17 amending Recommendation 14-04***), but without weakening existing monitoring and control measures.***

(5) Recommendation 18-02 repeals Recommendation 17-07 amending Recommendation 14-04 establishing a recovery plan for bluefin tuna that was implemented in Union law by Regulation (EU) 2016/1627 of the European Parliament and of the Council ([6]).

(6) At its 26th regular meeting in 2019, ICCAT adopted Recommendation 19-04 amending the multi-annual management plan established by Recommendation 18-02. ICCAT Recommendation 19-04 repeals and replaces Recommendation 18-02. This Regulation should implement Recommendation 19-04 in Union law.

(7) This Regulation should ***also*** implement, in full or in part, where relevant, the following ICCAT Recommendations: 06-07 ([7]), 18-10 ([8]), 96-14 ([9]), 13-13 ([10]) and 16-15 ([11]).

(8) The positions of the Union in regional fisheries management organisations are to be based on the best available scientific advice so as to ensure that fishery resources are managed in accordance with the objectives of the Common Fisheries Policy, in particular with the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield ('MSY'), and with the objective of providing conditions for a economically viable and competitive fishing capture and processing industry and land-based fishing related activity. According to the 2018 Report ([12]) issued by SCRS, bluefin tuna catches at a fishing mortality rate $F_{0.1}$ are in line with a fishing mortality consistent with achieving maximum sustainable yield ($F_{msy)}$. The stock biomass is considered to be at a level ensuring maximum sustainable yield. $B_{0.1}$ fluctuating from being above that level for medium and low recruitment levels, whereas for the high level of recruitment it is below that level.

([3]) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

([4]) Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

([5]) International Convention for the Conservation of Atlantic Tunas (OJ L 162, 18.6.1986, p. 34).

([6]) Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

([7]) Recommendation by ICCAT on bluefin tuna farming.

([8]) Recommendation by ICCAT concerning minimum standard for vessels monitoring system in the ICCAT Convention Area.

([9]) Recommendation by ICCAT regarding compliance in the bluefin tuna and North Atlantic swordfish fisheries.

([10]) Recommendation by ICCAT concerning the establishment of an ICCAT Record of vessels 20 metres in length overall or greater authorized to operate in the Convention Area.

([11]) Recommendation by ICCAT on Transhipment.

([12]) Report of the Standing Committee on Research and Statistics (SCRS), Madrid 1-5 October 2018.

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(9) The Management plan takes into account the specificities of the different types of gear and fishing techniques. When implementing the Management plan, the Union and Member States should ▌ promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, ***in particular*** gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

(10) Account should be taken of the specific characteristics and needs of small-scale and artisanal fisheries. In addition to relevant provisions of ICCAT Recommendation 19-04 that remove obstacles to the participation of small-scale coastal vessels in the bluefin tuna fishery, Member States should make further efforts to ensure a fair and transparent distribution of fishing opportunities between small-scale, artisanal and larger fleets, consistent with their obligations under Article 17 of Regulation (EU) No 1380/2013.

(11) To ensure compliance with the Common Fisheries Policy, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) fishing. In particular, Council Regulation (EC) No 1224/2009 ([13]) establishes a Union system for control, inspection and enforcement with a global and integrated approach so as to ensure compliance with all the rules of the Common Fisheries Policy. Commission Implementing Regulation (EU) No 404/2011 ([14]) lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008 ([15]) establishes a Community system to prevent, deter and eliminate IUU fishing. Those Regulations already include provisions such as fishing licences and authorisations, certain rules on vessel monitoring systems that cover a number of the measures laid down in ICCAT Recommendation ***19-04***. It is therefore not necessary to include those provisions in this Regulation.

(12) Regulation (EU) No 1380/2013 establishes the concept of minimum conservation reference size. In order to ensure consistency, the ICCAT concept of minimum size should be implemented into Union law as minimum conservation reference size.

(13) According to ICCAT recommendation ***19-04***, bluefin tuna that have been caught and are below the minimum conservation reference size have to be discarded, and the same applies to catches of bluefin tuna exceeding the by-catch limits established in annual fishing plans. For the purpose of the Union's compliance with its international obligations under ICCAT, Article 4 of Commission Delegated Regulation (EU) 2015/98 ([16]) provides for derogations from the landing obligation for bluefin tuna in accordance with Article 15(2) of Regulation (EU) No 1380/2013. Delegated Regulation (EU) 2015/98 implements certain provisions of ICCAT Recommendation ***19-04*** which lay down the obligation to discard bluefin tuna for vessels that exceed their allocated quota or their maximum level of permitted by-catches. The scope of that Delegated Regulation includes vessels engaged in recreational fishing. Consequently, this Regulation does not need to cover such discard and release obligations and will be without prejudice to the corresponding provisions of Delegated Regulation (EU) 2015/98.

(14) During the 2018 annual meeting, the Contracting Parties to the Convention acknowledged the need to reinforce controls for certain bluefin tuna operations. With that aim, it was agreed during the 2018 annual meeting that Contracting Parties to the Convention responsible for farms should ensure full traceability of caging operations, and should undertake random controls based on risk analysis.

([13]) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

([14]) Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system, for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

([15]) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

([16]) Commission Delegated Regulation (EU) 2015/98, of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

(15) Regulation (EU) No 640/2010 of the European Parliament and of the Council ([17]) provides for an electronic catch document for bluefin tuna ('eBCD'), implementing ICCAT Recommendation 09-11 amending Recommendation 08-12. Recommendations 17-09 and 11-20 on the application of the eBCD have recently being repealed by Recommendations 18-12 and 18-13. Therefore, Regulation (EU) No 640/2010 has become obsolete and the Commission ***has proposed*** a new regulation implementing the most recent ICCAT rules on eBCD. As a consequence this Regulation should not refer to Regulation (EU) No 640/2010 but, in more general terms, to the catch documentation programme recommended by ICCAT.

(16) Taking into account that certain recommendations of ICCAT are being amended frequently by ICCAT Contracting Parties and are likely to be amended further in the future, in order to swiftly implement into Union law future ICCAT recommendations amending or supplementing the ICCAT Management plan, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of the following aspects: ▌– deadlines for reporting information, time periods for fishing seasons; ***derogations from the prohibition on the carry-over of unused quotas;*** minimum conservation reference sizes; percentages and parameters, the information to be submitted to the Commission; tasks for national observers and regional observers, reasons for refusing the authorisation to transfer fish; reasons for seizing the catches and ordering the release of fish. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([18]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(17) The Commission representing the Union at ICCAT meetings agrees annually to a number of purely technical ICCAT recommendations, in particular concerning capacity limitations, logbook requirements, catch report forms, transhipment and transfer declarations, minimum information for fishing authorisations, minimum number of fishing vessels in relation of the ICCAT scheme of Joint International Inspection; specifications of the inspection and observer scheme, standards of video recording, release protocol, standards of treatment of deadfish, caging declarations, or standards of Vessels Monitoring Systems, that are implemented by Annexes I-XV of this Regulation. The Commission should have powers to adopt delegated act amending or supplementing Annexes I-XV in line with the amended or supplemented ICCAT recommendations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. 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) ICCAT recommendations governing the bluefin tuna fishery (operations related to catching, transfer, transport, caging, farming, harvesting and carrying-over) are highly dynamic. There is a constant new development of technologies to control and manage the fishery (e.g. stereoscopical cameras and alternative methods) that need to be uniformly applied by Member States. Similarly, operational procedures also need to be developed where necessary, to help Member States complying with ICCAT rules enshrined in this Regulation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards detailed rules for the carry-over of live bluefin tuna, transfer operations and caging operations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([19]).

(19) The delegated acts and implementing acts provided for in this Regulation are without prejudice to the implementation of future ICCAT recommendations into Union law through the ordinary legislative procedure.

([17]) Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003 (OJ L 194, 24.7.2010, p. 1).

([18]) OJ L 123, 12.5.2016, p. 1.

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

(20) As this Regulation will provide a new and comprehensive Management plan for bluefin tuna, the provisions concerning bluefin tuna laid down in Regulations (EU) 2017/2107 ([20]) and (EU) 2019/833 ([21]) of the European Parliament and of the Council should be deleted. As regards Article 43 of Regulation (EU) 2017/2107, the part corresponding to Mediterranean swordfish, has been included in Regulation (EU) 2019/1154 of the European Parliament and of the Council ([22]). Certain provisions of Council Regulation (EC) No 1936/2001 ([23]) should also be deleted. Regulations (EC) No 1936/2001, (EU) 2017/2107 and (EU) 2019/833 should therefore be amended accordingly.

(21) ICCAT Recommendation 18-02 repealed Recommendation 17-07 since the status of the stock no longer required the emergency measures provided for in the recovery plan for bluefin tuna established by that recommendation. Regulation (EU) 2016/1627, which implemented that recovery plan, should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down general rules for the uniform and effective implementation by the Union of the multiannual management plan for bluefin tuna (*Thunnus thynnus*) in the eastern Atlantic Ocean and the Mediterranean Sea, as adopted by the International Commission for the Conservation of Atlantic Tunas ('ICCAT').

Article 2

Scope

This Regulation shall apply to:

(a) Union fishing vessels, and Union vessels engaged in recreational fisheries, which:

— catch bluefin tuna in the Convention Area; and

— tranship or carry on board, also outside the Convention Area, bluefin tuna caught in the Convention Area;

(b) Union farms;

(c) Third country fishing vessels, and third country vessels engaged in recreational fisheries that operate in Union waters and catch bluefin tuna in the Convention Area;

(d) Third country vessels which are inspected in Member State ports and which carry on board bluefin tuna caught in the Convention Area, or fishery products originating from bluefin tuna caught in Union waters that have not been previously landed or transhipped at ports.

Article 3

Objective

The objective of this Regulation is ***to implement the multiannual management plan for bluefin tuna, as adopted by ICCAT, which aims*** to maintain a biomass of bluefin tuna above levels capable of producing maximum sustainable yield.

([20]) Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 (OJ L 315, 30.11.2017, p. 1).

([21]) Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141 28.5.2019, p. 1).

([22]) Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council (OJ L 188, 12.7.2019, p. 1).

([23]) Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).

Article 4

Relationship with other Union law

Unless otherwise stated in this Regulation, the provisions of this Regulation shall apply without prejudice to other Union acts governing the fisheries sector, in particular:

(1) Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy;

(2) Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing;

(3) Regulation (EU) 2017/2403 of the European Parliament and of the Council ([24]) on the sustainable management of the external fishing fleets;

(4) Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT);

(5) Regulation (EU) 2019/1241 of the European Parliament and of the Council ([25]) on the conservation of fisheries resources and the protection of marine ecosystems through technical measures.

Article 5

Definitions

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

(1) 'ICCAT' means the International Commission for the Conservation of Atlantic Tunas;

(2) 'the Convention' means the International Convention for the Conservation of Atlantic Tunas;

(3) 'Fishing vessel' means any powered vessel used for the purposes of the commercial exploitation of bluefin tuna resources, including catching vessels, fish processing vessels, support vessels, towing vessels, vessels engaged in transhipment and transport vessels equipped for the transportation of tuna products and auxiliary vessels, except container vessels;

(4) 'Live bluefin tuna' means bluefin tuna that is kept alive for a certain period in a trap, or transferred alive to a farming installation ▌;

(5) 'SCRS' means the Standing Committee on Research and Statistics of the ICCAT;

(6) 'Recreational fishery' means non-commercial fisheries activities exploiting marine biological resources ▌;

(7) 'Sport fishery' means non-commercial fisheries whose members adhere to a national sport organisation or are issued with a national sport licence;

(8) 'Towing vessel' means any vessel used for towing cages;

(9) 'Processing vessel' means a vessel on board of which fisheries products are subject to one or more of the following operations, prior to their packaging: filleting or slicing, freezing and/or processing;

(10) 'Auxiliary vessel' means any vessel used to transport dead bluefin tuna (not processed) from a transport/farming cage, a purse seine or a trap to a designated port and/or to a processing vessel;

([24]) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

([25]) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

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(11) 'Trap' means fixed gear anchored to the bottom, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting or farming;

(12) 'Purse seine' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the ground rope, enabling the net to be pursed and closed;

(13) 'Caging' means the relocation of live bluefin tuna ***from the transport cage or trap to the farming or fattening cages;***

(14) 'Catching vessel' means a vessel used for the purposes of the commercial capture of bluefin tuna resources;

(15) 'Farm' means a marine area clearly defined by geographical coordinates, used for the fattening or farming of bluefin tuna caught by traps and/or purse seiners. A farm could have several farming locations, all of them defined by geographical coordinates with a clear definition of longitude and latitude for each one of the points of the polygon;

(16) 'Farming' or 'fattening' means caging of bluefin tuna in farms and subsequently feeding aiming to fatten and increase their total biomass;

(17) 'Harvesting' means the killing of bluefin tuna in farms or traps;

(18) 'Stereoscopic camera' means a camera with two or more lenses, with a separate image sensor or film frame for each lens, enabling the taking of three-dimensional images for the purpose of measuring the length of the fish ***and assisting in refining the number and weight of bluefin tuna***;

(19) 'Small scale coastal vessel' is a catching vessel with at least three of the five following characteristics:

(a) Length overall <12 m;

(b) The vessel is fishing exclusively inside the waters under jurisdiction of the flag Member State;

(c) Fishing trips have a duration of less than 24 hours;

(d) The maximum crew number is established at four persons; or

(e) The vessel is fishing using techniques which are selective and have a reduced environmental impact;

(20) 'Joint fishing operation' means any operation between two or more purse seine vessels where the catch of one purse seine vessel is attributed to one or more purse seine vessels in accordance with a previously agreed allocation key;

(21) 'Fishing actively' means, for any catching vessel, the fact that it targets bluefin tuna during a given fishing season;

(22) 'BCD' means a bluefin tuna catch document;

(23) 'eBCD' means an electronic bluefin tuna catch document;

(24) 'Convention Area' means the geographical area defined in Article 1 of the Convention;

(25) 'Transhipment' means the unloading of all or any of the fisheries products on board a fishing vessels to another fishing vessel. However, unloading of dead bluefin tuna from the purse seiner net, the trap or the towing vessel to an auxiliary vessel shall not be considered as transhipment;

(26) 'Control transfer' means any additional transfer being implemented at the request of the fishing/farming operators or the control authorities for the purpose of verifying the number of fish being transferred;

(27) 'Control camera' means a stereoscopic camera and/or conventional video camera for the purpose of the controls provided for in this Regulation;

(28) 'CPC' means a Contracting Party to the Convention and a cooperating non-contracting party, entity or fishing entity;

(29) 'Large scale pelagic longline vessel' means a pelagic longline vessel greater than 24 meters in length overall;

(30) 'Transfer' means any transfer of:

(a) Live bluefin tuna from the catching vessel's net to the transport cage;

(b) Live bluefin tuna from the transport cage to another transport cage;

(c) The cage with live bluefin tuna from a towing vessel to another towing vessel;

(d) ***The cage with*** live bluefin tuna from one farm to another, ***and live bluefin tuna*** between different cages in the same farm;

(e) Live bluefin tuna from the trap to the transport cage independently of the presence of a towing vessel;

(31) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;

(32) 'gear group' means a group of fishing vessels using the same gear for which a group quota has been allocated;

(33) 'fishing effort' means the product of the capacity and the activity of a fishing vessel***; for a group of fishing vessels it means the sum of the fishing effort of all vessels in the group***;

(34) 'responsible Member State' means the flag Member State or the Member State under whose jurisdiction the relevant farm or trap is located.

CHAPTER II

MANAGEMENT MEASURES

Article 6

Conditions associated with fisheries management measures

1. Each Member State shall take the necessary measures to ensure that the fishing effort of its catching vessels and its traps is commensurate with the bluefin tuna fishing opportunities available to that Member State in the eastern Atlantic Ocean and the Mediterranean Sea. Measures adopted by Member States shall include establishing individual quotas for their catching vessels over 24 metres included in the list of authorised vessels referred to in Article 26.

2. Member States shall require catching vessels to proceed immediately to a port designated by it when the individual quota of the vessel is deemed to be exhausted, in accordance with Article 35 of Regulation (EC) No 1224/2009.

3. Chartering operations shall not be permitted in the bluefin tuna fishery.

Article 7

Carry-over of non-harvested live bluefin tuna

1. The carry-over of non-harvested live bluefin tuna ***from previous years' catches within a farm*** may be permitted ***only*** if a reinforced system of control is developed and reported by the ***Member State to the*** Commission . That system shall be an integral part of the Member State inspection plan referred to in Article 13, and shall include at least the measures established in Articles 53 ***and 61***.

2. Before a fishing season starts, Member States responsible for farms shall ensure a thorough assessment of any live bluefin tuna carried over after bulk-harvests in farms under their jurisdiction. To ***that*** end, all carried-over live bluefin tuna of the catching year ***that were not*** subject to bulk-harvest in farms shall be transferred to other cages using stereoscopic camera systems or alternative methods, provided they guarantee the same level of precision and accuracy, in accordance with Article 51. Fully documented traceability shall be ensured at all times. Carry-over of bluefin tuna of years that were not subject to ***bulk***-harvest shall be controlled annually ***by applying*** the same procedure ***to appropriate samples*** based on risk assessment.

3. The Commission may adopt implementing acts laying down detailed rules to develop a reinforced control system for the carry-over of live bluefin tuna. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

Article 8

Carry-over of unused quotas

The carry-over of unused quotas shall not be permitted.

Article 9

Quota transfers

1. The transfers of quotas between the Union and the other CPCs shall only be carried out upon prior authorisation by the Member States and/or CPCs concerned. The Commission shall notify the ICCAT Secretariat 48 hours prior to the transfer of quotas.

2. The transfer of quotas within gear groups, by-catch quotas and individual fishing quotas of each Member State shall be allowed, provided that the Member State(s) concerned informs the Commission of such transfers in advance, so that the Commission can inform the ICCAT Secretariat prior to the transfer taking effect.

Article 10

Quota deductions in case of overfishing

When Member States overfish the quotas allocated to them and this situation cannot be remedied by quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, Articles 37 and 105 of Regulation (EC) No 1224/2009 shall apply.

Article 11

Annual fishing plans

1. Each Member State with a bluefin tuna quota shall establish an annual fishing plan. That plan shall include, at least, the following information ***for the catching vessels and traps***:

(a) the quotas allocated to each gear group, including by-catch quotas;

(b) where applicable, the method used to allocate and manage quotas;

(c) the measures to ensure the respect of individual quotas;

(d) open fishing seasons for each gear category;

(e) information on designated ports;

(f) the rules on by-catch; and

(g) the number of ***catching*** vessels, other than bottom trawlers, greater than 24 m and purse seiners that are authorised to operate for bluefin tuna in the eastern Atlantic Ocean and the Mediterranean Sea.

2. Member States ***that have*** small scale coastal vessels authorised to fish for bluefin tuna ***shall endevour to allocate a specific sectorial quota for those vessels*** and shall include such allocation in their fishing plans. They shall also include the additional measures to closely monitor the quota consumption by that fleet in their monitoring, control and inspection plans. Member States may authorise a different number of vessels to fully utilise their fishing opportunities, using the parameters referred to in paragraph 1.

3. Portugal and Spain may allocate sectorial quotas for bait-boats operating in the Union waters of the archipelagos of Azores, Madeira and Canary Islands. The sectorial quota shall be included in their annual fishing plans and additional measures to monitor its consumption shall be clearly set out in their annual monitoring, control and inspection plans.

4. When Member States allocate sectorial quotas in accordance with paragraph 2 or 3, the minimum quota requirement of 5 tonnes defined in Union act in force for the fishing opportunities allocations shall not apply.

5. Any amendment to the annual fishing plan shall be transmitted by the Member State concerned to the Commission, at least three working days before the start of the fishing activity to which the amendment relates. The Commission shall forward the amendment to the ICCAT Secretariat, at least one working day before the start of the fishing activity to which the amendment relates.

Article 12

Allocation of fishing opportunities

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also ▌ distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fisheries, and ▌ provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Article 13

Annual fishing capacity management plans

Each Member State with a bluefin tuna quota shall establish an annual fishing capacity management plan. In that plan, Member States shall adjust the number of ***catching*** vessels ***and traps*** in a way ***that ensures*** that the fishing capacity is commensurate with the fishing opportunities allocated to catching vessels ***and traps*** for the relevant quota period. Member States shall adjust the fishing capacity using the parameters defined in Union act in force for the fishing opportunities allocations. The adjustment of ***Union*** fishing capacity for purse seiners shall be limited to a maximum variation of 20 % compared to the baseline fishing capacity of 2018.

Article 14

Annual inspection plans

Each Member State with a bluefin tuna quota shall establish an annual inspection plan with the view to ensuring compliance with this Regulation. Member States shall submit their respective plans to the Commission. Those plans shall be set up in accordance with:

(a) the objectives, priorities and procedures as well as benchmarks for inspection activities set up in the specific control and inspection programme for bluefin tuna established under Article 95 of Regulation (EC) No 1224/2009;

(b) the national control action programme for bluefin tuna established under Article 46 of Regulation (EC) No 1224/2009.

Article 15

Annual farming management plans

1. Each Member State with a bluefin tuna quota shall establish an annual farming management plan.

2. In the annual farming management plan, each Member State shall ensure that the total input capacity and the total farming capacity are commensurate with the estimated amount of bluefin tuna available for farming.

3. Member States shall limit their tuna farming capacity to the total farming capacity registered in the ICCAT 'record of bluefin tuna farming facilities' or authorised and declared to ICCAT in 2018.

4. The maximum input of wild caught bluefin tuna into the farms of a Member State shall be limited to the level of the input quantities registered with ICCAT in the 'record of bluefin tuna farming facilities' by the farms of that Member State in the years 2005, 2006, 2007 or 2008.

5. If a Member State needs to increase the maximum input of wild caught tuna in one or several of its tuna farms, that increase shall be commensurate with the fishing opportunities allocated to that Member State, ***and any*** live bluefin tuna imports ***from another Member State or Contracting Party***.

6. Member States responsible for the farms shall ensure that scientists tasked by the SCRS with trials to identify growth rates during the fattening period have access to the farms and assistance to carry out their duties.

7. Where appropriate, Member States shall submit revised farming management plans to the Commission by 15 May each year.

Article 16

Transmission of annual plans

1. By 31 January of each year, each Member State with a bluefin tuna quota shall transmit to the Commission the following plans:

(a) the annual fishing plan for the catching vessels and traps fishing bluefin tuna in the eastern Atlantic and Mediterranean, established in accordance with Article 11;

(b) the annual fishing capacity management plan established in accordance with Article 13;

(c) the annual inspection plan established in accordance with Article 14; and

(d) the annual farming management plan established in accordance with Article 15.

2. The Commission shall compile the plans referred to in paragraph 1 and use it for the establishment of a Union annual plan. The Commission shall transmit the Union plan to the ICCAT Secretariat by 15 February of each year for discussion and approval by the ICCAT.

3. In case of the non-submission by a Member State to the Commission of any of the plans referred to in paragraph 1 within the deadline ***laid down in that paragraph,*** the Commission ***may decide to transmit the Union plan to the ICCAT Secretariat without the plans of the Member State concerned. At the request of the Member State concerned, the Commission shall endeavour to take into account one of the plans referred to in paragraph 1 submitted after the deadline laid down in that paragraph, but before the deadline provided for in paragraph 2. If a plan submitted by a Member State does not comply with the provisions of this Regulation related to the annual fishing, capacity, inspection and farming plans and contains a serious fault that may lead to the non-endorsement of the Union annual plan by the ICCAT Commission, the Commission may decide*** to transmit the Union ***annual*** plan to ***the*** ICCAT Secretariat without the plans of ***the*** Member State concerned. ***The Commission shall inform the Member State concerned as soon as possible and shall endeavour to include any revised plans submitted by that Member State in the Union plan or in amendments to the Union plan, provided that they comply with the provisions of this Regulation related to the annual fishing, capacity, inspection and farming plans.***

CHAPTER III

TECHNICAL MEASURES

Article 17

Fishing seasons

1. Purse seine fishing for bluefin tuna shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea from 26 May until 1 July.

2. By way of derogation from paragraph 1, Cyprus and Greece may request in their annual fishing plans, as referred to in Article 11, that purse seiners flying their flag be allowed to fish for bluefin tuna in the Eastern Mediterranean Sea (FAO fishing area 37.3.1 and 37.3.2) from 15 May until 1 July.

3. By way of derogation from paragraph 1, Croatia may request in its annual fishing plans, as referred to in Article 11, that purse seiners flying its flag be allowed to fish for bluefin tuna for farming purposes in the Adriatic Sea (FAO fishing area 37.2.1) until 15 July.

4. By way of derogation ***from*** paragraph 1, if a Member State provides evidence to the Commission that, due to ***weather conditions***, some of its purse ***seiners*** fishing for bluefin tuna in the eastern Atlantic and Mediterranean Sea were unable to utilise their normal fishing days during a year, that Member State may ***decide that***, ***for individual purse-seiners affected by that situation, the fishing season referred in paragraph 1 be extended by an equivalent number of lost days up to*** 10 days ▌. The inactivity of the vessels concerned, and in the case of a joint fishing operation for all vessels involved, shall be duly justified with weather reports and VMS positions.

5. Bluefin tuna fishing shall be permitted in the eastern Atlantic Ocean and Mediterranean Sea by large-scale pelagic longlines vessels during the period from 1 January to 31 May.

6. Member States shall establish fishing seasons for their fleets, other than purse seiners and large scale pelagic longline vessels, in their annual fishing plans.

Article 18

Landing obligation

The provisions of this Chapter shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any applicable derogations thereto.

Article 19

Minimum conservation reference size

1. It shall be prohibited to catch, retain on board, tranship, transfer, land, transport, store, sell, display or offer for sale Bluefin tuna including when caught as by-catch or in recreational fisheries, of bluefin tuna weighing less than 30 kg or with fork length of less than 115 cm.

2. By way of derogation from paragraph 1, a minimum conservation reference size for bluefin tuna of 8 kg or 75 cm fork length shall apply to the following fisheries:

(a) Bluefin tuna caught in the eastern Atlantic Ocean by baitboats and trolling boats;

(b) Bluefin tuna caught in the Mediterranean Sea by the small scale costal fleet fishery for fresh fish by baitboats, longliners and handliners; and

(c) Bluefin tuna caught in the Adriatic Sea by vessels flying the flag of Croatia for farming purposes.

3. Specific conditions applying to the derogation referred in paragraph 2 are set out in Annex I.

4. Member States shall issue a fishing authorisation to vessels fishing under the derogations referred to in paragraph 2 and 3 of Annex I. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 26.

5. Fish below the minimum reference sizes set out in this Article that are discarded dead, shall be counted against the quota of the Member State.

Article 20

Incidental catches under the minimum reference size

1. By way of derogation from Article 19(1), all catching vessels and traps fishing actively for bluefin tuna shall be allowed a maximum of 5 % ***by number*** of incidental catches of bluefin tuna weighing between 8 and 30 kg or, alternatively, with a fork length between 75 and 115 cm.

2. The percentage of 5 % referred to in paragraph 1 shall be calculated on the basis of the total catches of bluefin tuna retained on board a vessel, or inside the trap, at any time after each fishing operation.

3. Incidental catches shall be deducted from the quota of the Member State responsible for the catching vessel or trap.

4. Incidental catches of bluefin tuna under the minimum reference size shall be subject to Articles 31, 33, 34 and 35.

Article 21

By-catches

1. Each Member State shall make provision for by-catch of bluefin tuna within its quota and shall inform the Commission thereof when transmitting its fishing plan.

2. The level of authorised by-catches, which shall not exceed 20 % of the total catches on board at the end of each fishing trip, and the methodology used to calculate those bycatches in relation to the total catch on board, shall be clearly defined in the annual fishing plan ***as*** referred to in Article 11. The percentage of by-catches may be calculated in weight or in number of specimens. The calculation in number of specimens shall only apply to tuna and tuna-like species managed by the ICCAT. The level of authorised by-catches for the small-scale coastal vessels fleet may be calculated on an annual basis.

3. All by-catches of dead bluefin tuna, retained on board or discarded, shall be deducted from the quota of the flag Member State, and recorded and reported to the Commission, in accordance with Articles 31 and 32.

4. For Member States without a bluefin tuna quota, the by-catches concerned shall be deducted from the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) TFEU and Article 16 of Regulation (EU) No 1380/2013.

5. If the total quota allocated to ***a*** Member State has been exhausted, the catching of any bluefin tuna shall not be permitted ***by vessels flying its flag*** and ***that*** Member ***State*** shall take the necessary measures to ensure the release of the bluefin tuna caught as by catch. ***If the specific Union bluefin tuna by-catch quota established in accordance with Article 43(3) TFEU and Article 16 of Regulation (EU) No 1380/2013 has been exhausted, the catching of any bluefin tuna shall not be permitted by vessels flying the flag of Member States without a bluefin tuna quota and those Member States*** shall take the necessary measures to ensure the release of the bluefin tuna caught as by catch. In ***those cases***, the processing and commercialisation of dead bluefin tuna shall be prohibited and all catches shall be recorded. Member States

shall report information on such quantities of such dead bluefin tuna bycatch on an annual basis to the Commission, which shall transmit that information to the ICCAT Secretariat.

6. Vessels not fishing actively for bluefin tuna shall clearly separate any quantity of bluefin tuna retained on board from other species, to allow control authorities to monitor the respect of this Article. Those by-catches may be marketed insofar as they are accompanied by the eBCD.

Article 22

Use of aerial means

It shall be prohibited to use any aerial means, including aircraft, helicopters or any types of unmanned aerial vehicles to search for bluefin tuna.

CHAPTER IV

RECREATIONAL FISHERIES

Article 23

Specific quota for recreational fisheries

1. Each Member State with a bluefin tuna quota shall regulate recreational fisheries by allocating a specific quota for the purpose of those fisheries. Possible dead bluefin tuna shall be taken into account in such allocation, including in the framework of catch-and-release fishing. Member States shall inform the Commission of the quota allocated to recreational fisheries when transmitting their fishing plans.

2. Catches of dead bluefin tuna shall be reported and counted against the quota of the Member State.

Article 24

Specific conditions for recreational fisheries

1. Each Member States with a bluefin tuna quota ***allocated to recreational fisheries*** shall regulate recreational fisheries by issuing fishing authorisations to vessels for the purpose of recreational fishing. Upon request by ***ICCAT***, Member States shall make available ***to the Commission*** the list of recreational vessels which have been granted with a fishing authorisation ***to catch bluefin tuna***. The list ***to be submitted electronically by the Commission to ICCAT*** shall contain the following information ***for each vessel***:

(a) Name of vessel;

(b) Register number;

(c) ICCAT record number (if any);

(d) Any Previous name; and

(e) Name and address of owner(s) and operator(s).

2. In recreational fisheries, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day.

3. The marketing of bluefin tuna caught in recreational fisheries shall be prohibited.

4. Each Member State shall record catch data including ***the*** weight and***, where possible, the*** length of each bluefin tuna caught ***in*** recreational ***fisheries*** and communicate the data for the preceding year to the Commission by 30 June each year. The Commission shall forward that information to the ICCAT Secretariat.

5. Each Member State shall take the necessary measures to ensure, to the greatest extent possible, the release of bluefin tuna, especially juveniles, caught alive in recreational ***fisheries***. Any bluefin tuna landed shall be whole, gilled and/or gutted.

Article 25

Catch, tag and release

1. By way of derogation from Article 23(1), Member States authorising 'catch and release' fishing in the north east Atlantic conducted exclusively by ***sport fisheries*** vessels may allow a limited number of ***sport fishery vessels exclusively*** to target bluefin tuna with the purpose of 'catch, tag and release' fishing without the need to allocate them a specific quota. Such vessels shall operate in the context of a scientific project of a research institute integrated in a scientific research programme. The results of the project shall be communicated to the relevant authorities of the flag Member State.

2. Vessels conducting scientific research under the ICCAT Research Programme for bluefin tuna shall not be deemed to conduct 'catch, tag and release' activities as referred to in paragraph 1.

3. Member States authorising 'catch, tag and release' activities, shall:

(a) Submit description of those activities and the measures applicable thereto as an integral part of their fishing and inspection plans referred to in Articles 12 and 15;

(b) Closely monitor the activities of the vessels concerned to ensure their compliance with the provisions of this Regulation;

(c) Ensure that the tagging and releasing operations are performed by trained personnel to ensure high survival of the specimens; and

(d) Annually submit a report to the Commission on the scientific activities conducted, at least 50 days before the SCRS meeting of the following year. The Commission shall forward the report to the ICCAT 60 days before the SCRS meeting of the following year.

4. Any bluefin tuna that dies during 'catch, tag and release' activities shall be reported and deducted from the quota of the flag Member State.

CHAPTER V

CONTROL MEASURES

SECTION 1

LISTS AND RECORDS OF VESSELS AND TRAPS

Article 26

Lists and Records of vessels

1. Member States shall submit electronically each year to the Commission, one month before the start of the period of authorisation, the following vessels lists in the format set out in the last version of the ICCAT Guidelines ([26]) for submitting data and information:

(a) a list of all catching vessels authorised to fish actively for bluefin tuna; and

(b) a list of all other fishing vessels used for the purposes of commercial exploitation of bluefin tuna resources.

The Commission shall send this information to the ICCAT Secretariat 15 days before the start of the fishing activity, so that those vessels can be entered into the ICCAT record of authorised vessels and, if relevant, in the ICCAT record of vessels 20 metres in length overall or greater authorised to operate in the Convention Area.

2. During a calendar year, a fishing vessel may be included in both of the lists referred to in paragraph 1 provided that it is not included in both lists at the same time.

3. The information on vessels referred to in ***points (a) and (b) of*** paragraph 1 ▌ shall contain the vessel's name and Union fleet register number (CFR) as defined in Annex I to Commission Implementing Regulation (EU) 2017/218 ([27]).

4. No retroactive submission shall be accepted by the Commission.

5. Subsequent changes to the lists referred to in paragraphs 1 and 3, during a calendar year, shall only be accepted if a notified fishing vessel is prevented from participating in the fishery due to legitimate operational reasons or force majeure. In such circumstances, the Member State concerned shall immediately inform the Commission of that fact, and shall provide:

(a) full details of the fishing vessel(s) intended to replace that fishing vessel; and

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([26]) https://www.iccat.int/en/SubmitCOMP.html

([27]) Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

(b) a comprehensive account of the reason justifying the replacement and any relevant supporting evidence or references.

6. The Commission shall, if necessary, modify during the year the information on the vessels referred to in paragraph 1, by providing updated information to the ICCAT Secretariat in accordance with Article 7(6) of Regulation (EU) 2017/2403.

Article 27

Fishing authorisations for vessels

1. Member States shall issue fishing authorisations to vessels included in one of the lists described in Article 26(1) and (5). Fishing authorisations shall contain as a minimum the information set out in Annex VII and shall be issued in the format laid down in that Annex. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.

2. Without prejudice to Article 21(6), Union fishing vessels not entered into the ICCAT records referred to in Article 26 (1), shall be deemed not to be authorised to fish for, retain on board, tranship, transport, transfer, process or land bluefin tuna in the eastern Atlantic and the Mediterranean.

3. The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to a vessel, and may require the vessel to proceed immediately to a port designated by it, when the individual quota assigned to the vessel is deemed to be exhausted.

Article 28

Lists and Records of traps authorised to fish for bluefin tuna

1. Each Member State shall send to the Commission electronically, as part of their fishing plans, a list of traps authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. The Commission shall send that information to the ICCAT Secretariat so that those traps can be entered into the ICCAT record of traps authorised to fish for bluefin tuna.

2. Member States shall issue fishing authorisations for traps included in the list referred to in paragraph 1. Fishing authorisations shall contain as a minimum the information and the format set in Annex VII. Member States shall ensure that the information contained in the fishing authorisation is accurate and consistent with the rules set out in this Regulation.

3. Union traps not entered into the ICCAT record of traps authorised to fish for bluefin tuna shall not be deemed to be authorised to fish for bluefin tuna in the eastern Atlantic and the Mediterranean. It shall be prohibited to retain on board, transfer, cage or land bluefin tuna caught by those traps.

4. The flag Member State shall withdraw the fishing authorisation for bluefin tuna issued to traps when the quota assigned to them is deemed exhausted.

Article 29

Information on fishing activities

1. By 15 July each year, each Member State shall notify the Commission detailed information on bluefin tuna catches in the eastern Atlantic and Mediterranean Sea in the preceding year. The Commission shall forward that information to the ICCAT by 31 July each year. This information shall include:

(a) The name and ICCAT number of each catching vessel;

(b) The period of authorisation(s) for each catching vessel;

(c) The total catches of each catching vessel including zero catches throughout the period of authorisation(s);

(d) The total number of days each catching vessel fished in the eastern Atlantic and Mediterranean Sea throughout the period of authorisation(s); and

(e) The total catch outside their period of authorisation (by-catch).

2. Member States shall send the following information to the Commission for fishing vessels flying their flag which were not authorised to fish actively for bluefin tuna in the eastern Atlantic and Mediterranean Sea but which caught bluefin tuna as by-catch:

(a) The name and ICCAT number or, if not registered with ICCAT, the national registry number of the vessel; and

(b) The total catches of bluefin tuna.

3. Member States shall notify to the Commission any information concerning any vessels not included in paragraphs 1 and 2 but known or presumed to have fished for bluefin tuna in the eastern Atlantic and Mediterranean Sea. The Commission shall transmit this information to the ICCAT Secretariat as soon as the information is available.

Article 30

Joint Fishing Operations

1. Any joint fishing operation for bluefin tuna shall only be allowed if participating vessels are authorised by the flag Member State(s). To be authorised, each purse seiner must be equipped to fish for bluefin tuna, have an individual quota, and comply with the reporting obligations set out in Article 32.

2. The quota allocated to a joint fishing operation shall be equal to the total of the quotas allocated to participating purse seiners.

3. Union purse seiners shall not engage in joint fishing operations with purse seiners from other CPCs.

4. The application form for the authorisation to participate in a joint fishing operation is set out in Annex IV. Each Member State shall take the necessary measures to obtain the following information from its purse seiners vessel(s) participating in a joint fishing operation:

(a) The requested period of authorisation of the joint fishing operation;

(b) The identity of the operators involved;

(c) The individual vessels' quotas;

(d) The allocation key between the vessels for the catches involved; and

(e) Information on the farms of destination.

5. At least 10 days before the start of the joint fishing operation, each Member States shall send the information referred to in paragraph 4 to the Commission in the format set out in Annex IV. The Commission shall transmit that information to the ICCAT Secretariat and to the flag State of other fishing vessels participating in the joint fishing operation, at least 5 days before the start of the fishing operation.

6. In case of force majeure, the deadlines set out in paragraph 5 shall not apply as regards the information on the farms of destination. In such cases, Member States shall submit to the Commission an update of that information as soon as possible, together with a description of the events constituting force majeure. The Commission shall forward that information to the ICCAT Secretariat.

SECTION 2

CATCH RECORDING

Article 31

Recording requirements

1. Master of Union catching vessels shall maintain a fishing logbook of their operations in accordance with Articles 14, 15, 23 and 24 of Regulation (EC) No 1224/2009 and Section A of Annex II to this Regulation.

2. Masters of Union towing vessels, auxiliary vessels and processing vessels shall record their activities in accordance with the requirements set out in Sections B, C and D of Annex II.

Article 32

Catch reports sent by masters and trap operators

1. Masters of Union catching vessels ***fishing actively*** shall communicate to their flag Member States daily catch reports by electronic means during the whole period in which they are authorised to fish for bluefin tuna. Those reports shall not be obligatory for vessels in port, except if they are engaged in a joint fishing operation. The data in the reports shall be taken from logbooks and shall include date, time, location (latitude and longitude) and the weight and number of bluefin tuna caught in the Convention Area, including releases and discards of dead fish. Masters shall send the reports in the format set out in Annex III ***or in a format required by the Member State.***

2. Masters of purse seiners shall produce the daily reports referred to in paragraph 1 for each fishing operation, including operations where the catch was zero. The reports shall be transmitted by the master of the vessel or his authorised representatives to its flag Member State by 9.00 GMT for the preceding day.

3. Trap operators or their authorised representatives fishing actively for bluefin tuna shall produce daily reports that have to be communicated to their flag Member States within every 48 hours by electronic means during the whole period in which they are authorised to fish bluefin tuna. Those reports shall include the ICCAT register number of the trap, date and time of the catch, weight and number of bluefin tuna caught, including zero catches, releases and discards of dead fish. They shall send that information in the format set out in Annex III.

4. Masters of catching vessels other than purse seiners, shall transmit to their flag Member States the reports referred to in paragraph 1 by the latest Tuesday 12.00 GMT for the preceding week ending Sunday.

SECTION 3

LANDINGS AND TRANSHIPMENTS

Article 33

Designated ports

1. Each Member State ***that*** has been allocated a bluefin tuna quota shall designate ports where landing or transhipping operations of bluefin tuna are authorised. The information on designated ports shall be included in the annual fishing plan referred to in Article 11. Member States shall inform the Commission without delay of any amendment to the information on designated ports. The Commission shall communicate that information to the ICCAT Secretariat without delay.

2. For a port to be determined as a designated port, the port Member State shall ensure that the following conditions are met:

(a) Established landing and transhipment times;

(b) Established landing and transhipment places; and

(c) Established inspection and surveillance procedures ensuring inspection coverages during all landing and transhipment times and at all landing and transhipment places in accordance with Article 35.

3. It shall be prohibited to land or tranship from catching vessels, as well as processing vessels and auxiliary vessels, any quantity of bluefin tuna fished in the eastern Atlantic and the Mediterranean Sea at any place other than ports designated by CPCs and Member States. Exceptionally, dead bluefin tuna, harvested from a trap/cage, may be transported to a processing vessel using an auxiliary vessel, insofar as it is conducted in the presence of the control authority.

Article 34

Prior notification of landings

1. Article 17 of Regulation (EC) No 1224/2009 shall apply to masters of Union fishing vessels of 12 metres or more included in the list of vessels referred to in Article 26. The prior notification under Article 17 of Regulation (EC) No 1224/2009 shall be sent to the competent authority of Member State (including the flag Member State) or CPC whose ports or landing facility they wish to use.

2. Prior to entry into port, masters or their representatives, of Union fishing vessels under 12 metres as well as processing vessels and auxiliary vessels included in the list of vessels referred to in Article 26 shall, at least four hours before the estimated time of arrival at the port, notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use, at least the following information:

(a) Estimated time of arrival;

(b) Estimated quantity of bluefin tuna retained on board;

(c) Information on the geographical area where the catches were taken;

(d) The external identification number and the name of the fishing vessels.

3. Where Member States are authorised under applicable Union legislation to apply a shorter notification period than the period of four hours before the estimated time of arrival, the estimated quantities of bluefin tuna retained on board may be notified at the applicable time of notification prior to arrival. If the fishing grounds are less than four hours from the port, the estimated quantities of bluefin tuna retained on board may be modified at any time prior to arrival.

4. Authorities of the port Member State shall keep a record of all prior notifications for the current year.

5. All landings in the Union shall be controlled by the relevant control authorities of the port Member State and a percentage shall be inspected based on a risk assessment system involving quotas, fleet size and fishing effort. Full details of such control system adopted by each Member State shall be set out in the annual inspection plan referred to in Article 14.

6. Masters of a Union catching vessel, whatever the length overall of the vessel, shall submit, within 48 hours after the completion of the landing, a landing declaration to the competent authorities of the Member State or CPC where the landing takes place and to its flag Member State. The master of a catching vessel shall be responsible for, and certify, the completeness and accuracy of the declaration. The landing declaration shall indicate, as a minimum requirement, the quantities of bluefin tuna landed and the area where they were caught. All landed catches shall be weighed. The port Member State shall send a record of the landing to the authorities of the flag Member State or CPC, 48 hours after the completion of the landing.

Article 35

Transhipments

1. Transhipment at sea by Union fishing vessels carrying on board bluefin tuna, or by third country vessels in Union waters, shall be prohibited in all circumstances.

2. Without prejudice to the requirements set out in Article 52(2) and (3), Article 54 and Article 57 of Regulation (EU) 2017/2107, fishing vessels shall only tranship bluefin tuna catches in designated ports as referred to in Article 33 of this Regulation.

3. The Master of the receiving fishing vessel, or its representative, shall provide the relevant authorities of the port State at least 72 hours before the estimated time of arrival at port, with the information listed in the transhipment declaration template set out in Annex V. Any transhipment shall require the prior authorisation from the flag Member State or flag CPC of the transhipping fishing vessel concerned. Furthermore, the master of the transhipping vessel shall, at the time of the transhipment, inform its flag Member State or CPC of the dates required in Annex V.

4. The port Member State shall inspect the receiving vessel on arrival and check the quantities and documentation related to the transhipment operation.

5. Masters of Union fishing vessels shall complete and transmit to their flag Member States the ICCAT transhipment declaration within 15 days after the completion of the transhipment. The masters of the transhipping fishing vessels shall complete the ICCAT transhipment declaration in accordance with Annex V. The transhipment declaration shall include the reference number of the eBCD to facilitate cross-checking of data contained thereof.

6. The port State shall send a record of the transhipment to the flag Member State or CPC authority of the transhipping fishing vessel, within 5 days after the completion of the transhipment.

7. All transhipments shall be inspected by the competent authorities of the designated port Member States.

SECTION 4

REPORTING OBLIGATIONS

Article 36

***Weekly** reports on quantities*

Each Member State shall send ***weekly catch reports*** to the Commission ▌. ***Those reports shall include*** the data ***required under Article 32 as regards traps, purse seiners and other catching vessels***. The information ▌shall be structured by gear type ▌. The Commission shall promptly forward that information to the ICCAT Secretariat.

Article 37

Information on quota exhaustion

1. In addition to complying with Article 34 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group is deemed to have reached 80 %.

2. In addition to complying with Article 35 of Regulation (EC) No 1224/2009, each Member State shall inform the Commission when the quota allocated to a gear group or to a joint fishing operation or to a purse seiner is deemed to be exhausted. That information shall be accompanied by official documentation proving the fishing stop or the call back to port issued by the Member State for the fleet, the gear group, the joint fishing operation, or the vessels with an individual quota including a clear indication of the date and the time of the closure.

3. The Commission shall inform the ICCAT Secretariat of the dates when the Union quota of bluefin tuna has been exhausted.

SECTION 5

OBSERVER PROGRAMMES

Article 38

National Observer Programme

1. Each Member State shall ensure that the deployment of national observers, issued with an official identification document, on vessels and traps active in the bluefin tuna fishery covers at least:

(a) 20 % of its active pelagic trawlers (over 15 m);

(b) 20 % of its active longline vessels (over 15 m);

(c) 20 % of its active baitboats (over 15 m);

(d) 100 % of towing vessels;

(e) 100 % of harvesting operations from traps.

Member States with less than five catching vessels belonging to the categories listed in points (a), (b) and (c) of the first subparagraph and authorised to fish actively for bluefin tuna shall ensure that the deployment of national observers covers at least 20 % of the time the vessels are active in the bluefin tuna fishery

2. The national observer tasks shall be, in particular, the following:

(a) ***to monitor*** compliance with this Regulation by fishing vessels and traps;

(b) ***to record*** and report the fishing activity, including the following:

  (a) Amount of catch (including by-catch), and catch disposition (retained on board or discarded dead or alive);

  (b) Area of catch by latitude and longitude;

  (c) Measure of effort (such as the number of sets, number of hooks), as defined in the ICCAT Field Manual for different gears;

  (d) Date of catch;

(c) ***to*** verify entries made in the logbook;

(d) ***to*** sight and record vessels that may be fishing contrary to ICCAT conservation measures.

3. In addition to the tasks referred to in paragraph 2, national observers shall carry out scientific work, including the collection of necessary data, based on the guidelines from the SCRS.

4 Data and information collected under each Member State's observer programme shall be provided to Commission that shall send it to the SCRS or the ICCAT secretariat, as appropriate.

5. For the purposes of paragraphs 1 to 3, each Member State shall ensure:

(a) representative temporal and spatial coverage to ensure that the Commission receives adequate and appropriate data and information on catch, effort and other scientific and management aspects, taking into account characteristics of the fleets and fisheries;

(b) robust data collection protocols;

(c) observers are properly trained and approved before deployment;

(d) to the extent practicable, minimal disruption to the operations of vessels and traps fishing in the Convention Area.

Article 39

ICCAT Regional Observer Programme

1. Member States shall ensure the effective implementation of the ICCAT regional observer programme as set out in this Article and in Annex VIII.

2. Member States shall ensure that an ICCAT regional observer is present:

(a) on all purse seiners authorised to fish bluefin tuna;

(b) during all transfers of bluefin tuna from purse seiners;

(c) during all transfers of bluefin tuna from traps to transport cages;

(d) during all transfers from one farm to another;

(e) during all cagings of bluefin tuna in farms;

(f) during all harvesting of bluefin tuna from farms; and

(g) during the release of bluefin tuna from farming cages into the sea.

3. Purse seine vessels without an ICCAT regional observer shall not be authorised to fish for bluefin tuna.

4. Member States shall ensure that one ICCAT regional observer shall be assigned to each farm for the whole period of caging operations. In cases of force majeure, and following confirmation ***by the farming Member State*** of those circumstances that constitute force majeure, an ICCAT regional observer may be shared by ***more than one*** farm to guarantee the continuity of farming operations***, if it is ensured that the observer tasks are duly accomplished***. However, the Member State responsible for the farms shall immediately request the deployment of an additional regional observer.

5. The ICCAT regional observers tasks shall be, in particular to:

(a) Observe and monitor fishing and farming operations in compliance with the relevant ICCAT conservation and management measures, including trough access to stereoscopic camera footages at the time of caging that enables the measuring of length and estimating the corresponding weight;

(b) Sign the ICCAT transfer declarations and BCDs when the information contained therein is consistent with his/her own observations. Otherwise, the ICCAT regional observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specifically the rule(s) or procedure(s) that has not been respected;

(c) Carry out scientific work, including collecting samples, based on the guidelines from the SCRS.

6. Masters, crew, and farm, trap and vessel operators shall not obstruct, intimidate, interfere with, or influence by any means regional observers in the performance of their duties.

SECTION 6

TRANSFER OPERATIONS

Article 40

Transfer authorisation

1. Before any transfer operation, the master of the catching or towing vessel or its representatives or the operator of the farm or trap, where the transfer originates, shall send to flag Member State, or to the Member State responsible for the farm or trap, a prior transfer notification indicating:

(a) the name of the catching vessel or farm or trap and ICCAT record number;

(b) estimated time of transfer;

(c) estimated quantity of bluefin tuna to be transferred;

(d) information on the position (latitude/longitude) where the transfer will take place and cage identification numbers;

(e) name of the towing vessel, number of cages towed and ICCAT record number where appropriate; and

(f) destination port, farm, or cage of the bluefin tuna.

2. For the purpose of paragraph 1, Member States shall assign a unique number to each transport cage. If several transport cages need to be used when transferring a catch corresponding to one fishing operation, only one transfer declaration is required, but the numbers of each transport cage used shall be recorded in the transfer declaration, clearly indicating the bluefin tuna quantity transported in each cage.

3. Cage numbers shall be issued with a unique numbering system that includes at least the alpha-3 code corresponding to the ***farming Member State*** followed by three numbers. Unique cage numbers shall be permanent and not transferable from one cage to another.

4. The Member State referred to in paragraph 1 shall assign and communicate to the master of the fishing vessel, or operator of the trap or farm as appropriate, an authorisation number for each transfer operation. The authorisation number shall include the three letter Member State code, four numbers showing the year and three letters indicating either positive authorisation (AUT) or negative (NEG) followed by sequential numbers..

5. The Member State referred to in paragraph 1, shall authorise or refuse to authorise the transfer within 48 hours following the submission of the prior transfer notification. The transfer operation shall not begin without the prior positive authorisation issued.

6. The transfer authorisation shall not prejudge the confirmation of the caging operation.

Article 41

Refusal of the transfer authorisation and release of bluefin tuna

1. The Member State responsible for the catching vessel, the towing vessel, farm or trap shall refuse to authorise the transfer if, on receipt of the prior notification of transfer, it considers that:

(a) The catching vessel or the trap declared to have caught the fish did not have a sufficient quota;

(b) The quantity of fish has not been duly reported by the catching vessel or trap, or was not authorised to be caged;

(c) The catching vessel declared to have caught the fish did not have a valid authorisation to fish for bluefin tuna issued in accordance with Article 27, or;

(d) The towing vessel declared to receive the transfer of fish is not registered in the ICCAT record of other fishing vessels referred to in Article 26, or is not equipped with a fully functioning VMS or equivalent tracking device.

2. If the transfer is not authorised, the Member State referred to in paragraph 1, as appropriate, shall immediately issue a release order to the master of the catching or of the towing vessel or to the operator of the trap or farm as appropriate, to inform them that the transfer is not authorised and require them to release of the fish into the sea in accordance with Annex XII.

3. In the event of a technical failure of its VMS during the transport to the farm, the towing vessel shall be replaced by another towing vessel with a fully functioning VMS, or a new operative VMS shall be installed or used, as soon as feasible and not later than 72 hours. That period of 72 hours may be exceptionally extended in case of force majeure or legitimate operational constraints. The technical failure shall be immediately communicated to the Commission which shall inform the ICCAT Secretariat. The master or his representative shall, from the time the technical failure was detected until it is remedied, communicate every four hours to the control authorities of the flag Member State the updated geographical coordinates of the fishing vessel by appropriate telecommunication means.

Article 42

Transfer declaration

1. The masters of catching or towing vessels or the operator of the farm or trap shall complete and transmit to responsible Member State the ICCAT transfer declaration at the end of the transfer operation in accordance with the format set out in Annex VI.

2. The transfer declaration forms shall be numbered by the authorities of the Member State responsible for the fishing vessel, farm or trap form where the transfer originates. The number of the declaration form shall include the three letters Member State code, followed by four numbers showing the year and three sequential numbers followed by the three letters ITD (MS-20**/xxx/ITD).

3. The original transfer declaration shall accompany the transfer ***of fish***. A copy of the declaration shall be kept by the ***catching*** vessel or ▌ trap ***and towing vessels***.

4. Masters of vessels carrying out transfer operations shall report their activities in accordance with Annex II.

5. Information regarding dead fish shall be recorded in accordance with the procedures set out in Annex XIII.

Article 43

Monitoring by video-camera

1. The master of the catching or towing vessel or the operator of the farm or trap shall ensure that the transfer is monitored by video camera in the water in order to verify the number of fish being transferred. The video recording shall be carried out in accordance with the minimum standards and procedures set out in Annex X.

2. ***Where the SCRS requests the Commission to provide copies of the video records***, Member States shall provide ***those*** copies ▌ to the Commission, which shall forward them to the SCRS ▌.

Article 44

Verification by ICCAT Regional observers and conduct of investigations

1. ICCAT regional observers on board the catching vessel and trap, as referred to in Article 39 and Annex VIII, shall:

(a) record and report the transfer activities carried out;

(b) observe and estimate catches transferred; and

(c) verify entries made in the prior transfer authorisation, as referred to in Article 40, and in the ICCAT transfer declaration, as referred to in Article 42.

2. In cases where there is more than a 10 % difference by number between the estimates made by either the regional observer, relevant control authorities or the master of the catching or towing vessel, or the operator of the trap or farm, an investigation shall be initiated by the responsible Member State. Such investigation shall be concluded prior to the time of caging at the farm and in any case within 96 hours of the investigation being initiated, except on cases of force majeure. Pending the results of the investigation, caging shall not be authorised and the relevant section of the BCD shall not be validated.

3. However, in cases when the video record is of insufficient quality or clarity to estimate the quantities transferred, the master of the vessel or operator of the farm or trap may request the authorities of the responsible Member State to be authorised to conduct a new transfer operation and to provide the corresponding video record to the regional observer. If that voluntary ***control*** transfer ▌ is not performed with satisfactory results, the responsible Member State shall initiate an investigation. If after that investigation, it is confirmed that the quality of the video does not permit to estimate the quantities involved in the transfer, the control authorities of the responsible Member State shall order ***another*** control transfer operation and provide the corresponding video record to the ICCAT regional observer. New transfers shall be conducted as control transfer(s) until the quality of the video record could allow estimating the quantities transferred.

4. Without prejudice to the verifications conducted by inspectors, the ICCAT regional observer shall sign the transfer declaration only when his/her observations are in accordance with ICCAT conservation and management measures and the information contained in the transfer declaration is consistent with his/her observations and includes a compliant video record in accordance with paragraphs 1, 2 and 3. The ICCAT observer shall also verify that the ICCAT transfer declaration is transmitted to the master of the towing vessel or operator of the farm or trap representative where applicable. If the ICCAT observer is not in agreement with the transfer declaration, the ICCAT observer shall indicate his/her presence on the transfer declarations and BCDs and the reasons of disagreement quoting specially the rule(s) or procedure(s) that have not been respected.

5. The master of the catching or towing vessels or the operators of the farm or trap shall complete and transmit to the responsible Member State, the ICCAT transfer declaration at the end of the transfer operation, in accordance with the format set out in Annex VI. Member States shall forward the transfer declaration to the Commission ▌.

Article 45

Implementing acts

The Commission may adopt implementing acts laying down operational procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

SECTION 7

CAGING OPERATIONS

Article 46

Caging authorisation and possible refusal of an authorisation

1. Prior to the start of caging operations for each transport cage, the anchoring of transport cages within 0.5 nautical miles of farming facilities, shall be prohibited. To this end, geographical coordinates corresponding to the polygon where the farm is placed need to be available in the farming management plans referred to in Article 15.

2. Before any caging operation, the Member State responsible for the farm shall request the approval of the caging by the Member State or CPC responsible for the catching vessel or trap which caught the bluefin tuna to be caged.

3. The competent authority of the Member State responsible for the catching vessel or trap shall refuse to approve the caging if it considers that:

(a) the catching vessel or trap which caught the fish had not a sufficient quota for bluefin tuna;

(b) the quantity of fish has not been duly reported by the catching vessel or trap, or;

(c) the catching vessel or trap declared to have caught the fish does not have a valid authorisation to fish for bluefin tuna, issued in accordance with Article 27.

4. If the Member State responsible for the catching vessel or trap refuses to approve the caging, it shall:

(a) inform the competent authority of the Member State or CPC responsible for the farm; and

(b) request that competent authority to proceed to the seizure of the catches and the release of the fish into the sea.

5. The caging shall not begin without the approval, issued within one working day of the request, by the Member State or CPC responsible for the catching vessels or trap, or by the Member State responsible for the farm if agreed with the authorities of Member State or CPC responsible for the catching vessels or trap. If no response is received within one working day, from the authorities of the Member State or CPC responsible for the catching vessel or trap, the competent authorities of the Member State responsible for the farm may authorise the caging operation.

6. Fish shall be caged before the 22 August of each year, unless the competent authorities of the Member State or CPC responsible for the farm provide valid reasons including force majeure, which shall accompany the caging report when submitted. In any case, the fish shall not be caged after the 7 September of each year.

Article 47

Bluefin tuna catch documentation

Member States responsible for farms shall prohibit the caging of bluefin tuna not accompanied by the documents required by ICCAT in the framework of the catch documentation programme of the Regulation (EU) No 640/2010. The documentation must be accurate, complete and shall be validated by the Member State or CPC responsible for the catching vessels or traps.

Article 48

Inspections

Member States responsible for farms shall take the necessary measures to inspect each caging operation in the farms.

Article 49

Monitoring by video-camera

Member States responsible for farms shall ensure that caging operations shall be monitored by their control authorities by video camera in the water. One video record shall be produced for each caging operation in accordance with the procedures ***set out*** in Annex X.

Article 50

Launching and conduct of investigations

Where there is a difference of more than 10 % by number between the estimates made by either the ICCAT regional observer, relevant Member States control authorities and/or the farm operator, the Member State responsible of the farm shall initiate an investigation in cooperation with the Member State or CPC responsible for the catching vessel and/or trap. The Member State undertaking the investigations may use other information at their disposal, including the results of the caging programmes referred to under Article 51.

Article 51

Measures and programmes to estimate the number and weight of bluefin tuna to be caged

1. Member States shall ensure that a programme using stereoscopic cameras systems or alternative methods that guarantee the same level of precision and accuracy covers 100 % of all caging operations, in order to estimate the number and weight of the fish.

2. That programme shall be conducted in accordance with the procedures set out in Annex XI. Alternative methods may only be used if they have been endorsed by the ICCAT during the Annual meeting.

3. Member States responsible for the farm shall communicate the results of this programme to the Member State or CPC responsible for the catching vessels, and to the entity operating the regional observer program on behalf of ICCAT.

4. When the results of the programme indicate that the quantities of bluefin tuna caged differ from the quantities reported caught and/or transferred, the Member State responsible for ***the catching vessel or trap*** shall, in cooperation with the Member State or CPC responsible for the ***farm***, launch an investigation. ***Where the catching vessel or the trap is flagged in another CPC, the Member State responsible for the farm shall launch the investiagtion in cooperation with that flag CPC.***

5. The Member State responsible for the catching vessel or trap shall issue a release order, in accordance with the procedures ***set out*** in Annex XII, for the quantities caged which exceed the quantities declared caught and transferred, if:

(a) the investigation referred to in paragraph 4 is not concluded within 10 working days from the communication of the results of the programme, for a single caging operation, or of all caging operations from a joint fishing operation; or

(b) the outcome of the investigation indicates that the number and/or average weight of bluefin tuna is in excess of that declared caught and transferred;

The release of the excess shall be conducted in the presence of control authorities.

6. The results of the programme shall be used to decide if releases are required and the caging declarations and relevant sections of the BCD shall be completed accordingly. When a release order has been issued, the farm operator shall request the presence of a national control authority and an ICCAT regional observer to monitor the release.

7. Member States shall submit the results of the programme to the Commission by 1 September of each year. ***In case of force majeure in the caging, Member States shall submit these results before 12 September.*** The Commission shall transmit that information to the SCRS by 15 September of each year for evaluation.

8. The transfer of live bluefin tuna from one farming cage to another farming cage shall not take place without the authorisation and the presence of control authorities of the Member State or CPC responsible for the farm. Each transfer shall be recorded to control the number of specimens. National control authorities shall monitor those transfers and ensure that each intra farm transfer is recorded in the e-BCD system.

9. A difference greater than or equal to 10 % between the quantities of bluefin tuna reported caught by the vessel or trap and the quantities established by the control camera at the moment of caging shall constitute a potential non-compliance by the vessel or trap concerned. Member States shall take the necessary measures to ensure the appropriate follow-up.

Wednesday 28 April 2021

Article 52

Caging declaration ***and caging report***

1. ***Within 72 hours after the end of each*** caging operation, ***a*** farm ***operator*** shall submit a caging declaration ***as provided in*** Annex XIV to ***their competent authority***.

2. In addition to the caging declaration referred to in paragraph 1, a Member State responsible for the farm shall submit one week from the completion of the caging operation, a caging report containing the elements set up in Section B of Annex XI to the Member State or CPC whose vessels or traps have caught the bluefin tuna, and to the Commission. The Commission shall transmit that information to the ICCAT Secretariat.

3. For the purpose of paragraph **2**, a caging operation shall not be deemed to be completed until any investigation launched and any release operation ordered is concluded.

Article 53

Intra-farm transfers and random controls

1. Member States responsible for the farms shall put in place a traceability system, including the video-recording of internal transfers.

2. The control authorities of the Member States responsible for the farms shall undertake random controls, on the basis of a risk analysis, on bluefin tuna kept in farm cages between the time of completion of caging operations in a year and the first caging in the following year.

3. For the purpose of paragraph 2, each Member State responsible for farms shall establish a minimum percentage of fish to be controlled. That percentage shall be set out in the annual inspection plan referred to in Article 14. Each Member State shall communicate to the Commission the results of the random controls carried out each year. The Commission shall transmit those results to the ICCAT Secretariat in April of the ***year*** following ***the period of the relevant quota***.

Article 54

Access to and requirements for video records

1. Each Member State responsible for the farm shall ensure that the video records referred to in Articles 49 and 51 are made available upon request to the national inspectors, as well as regional and ICCAT inspectors and ICCAT and national observers.

2. Each Member State responsible for farms shall take the necessary measures to avoid any replacement, edition or manipulation of the original video records.

Article 55

Annual *caging report*

Member States subject to the obligation of submitting caging declarations ***and reports*** under Article 52, shall send to the Commission a caging report each year by 31 July for the previous year. The Commission shall send that information to the ICCAT Secretariat ***before 3***1 August each year. The report shall contain the following information:

(a) The total amount of bluefin tuna caged by farm, including loss in number and weight during the transportation to the cages by farm, carried out by fishing vessels and by traps;

(b) The list of vessels that fish for, provide or transport bluefin tuna for farming purposes (name of the vessel, flag, license number, gear type) and traps;

(c) The results of the sampling programme for the estimation of the numbers-at-size of the bluefin tuna caught, as well as the date, time and area of catch and the fishing method used, in order to improve statistics for stock assessment purposes;

The sampling programme requires that size sampling (length or weight) at cages must be done on one sample (= 100 specimens) for every 100 t of live fish, or on a 10 % sample of the total number of the caged fish. Size samples will be collected during harvesting at the farm and on the dead fish during transport, following the ICCAT Guidelines for submitting data and information. For fish farmed more than one year, other additional sampling methodologies shall be established. The sampling shall be conducted during any harvesting, covering all cages;

(d) The quantities of bluefin tuna placed in cage and estimate of the growth and mortality while in captivity and of the amounts sold in tonnes. This information shall ***be*** provided by farm;

(e) The quantities of bluefin tuna caged during the previous year; and

(f) The quantities, broken down by their origin, marketed during the previous year.

Article 56

Implementing acts

The Commission may adopt implementing acts laying down procedures for the application of the provisions laid down in this Section. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68.

SECTION 8

MONITORING AND SURVEILLANCE

Article 57

Vessel Monitoring System

1. By way of derogation from Article 9(5) of Regulation (EC) No 1224/2009, flag Member States shall implement a Vessel Monitoring System (VMS) for their fishing vessels with a length overall equal to or greater than 12 meters in accordance with Annex XV.

2. Fishing vessels over 15 meters length overall that are included in the list of vessels referred to in point (a) of Article 26 (1) or in the list of vessels referred to in point (b) of Article 26(1) shall begin to transmit VMS data to ICCAT at least 5 days before their period of authorisation and shall continue at least 5 days after their period of authorisation, unless a request is sent in advance to the Commission for the vessel to be removed from the ICCAT record of vessels.

3. For control purposes, the master or his representative shall ensure that the transmission of VMS data from catching vessels that are authorised to fish actively for bluefin tuna is not interrupted when vessels are in port ***unless there is a system of hailing in and out of port***.

4. Member States shall ensure that their fisheries monitoring centres forward to the Commission and a body designated by it, in real time and using the format 'https data feed', the VMS messages received from the fishing vessels flying their flag. The Commission shall send those messages electronically to the ICCAT Secretariat.

5. Member States shall ensure that:

(a) VMS messages from the fishing vessels flying their flag are forwarded to the Commission at least every two hours;

(b) In the event of technical malfunctioning of the VMS, alternative messages from the fishing vessels flying their flag received pursuant to Article 25(1) of Implementing Regulation (EU) No 404/2011 are forwarded to the Commission within 24 hours of receipt by their fisheries monitoring centres;

(c) Messages forwarded to the Commission are sequentially numbered (with a unique identifier) in order to avoid duplication;

(d) Messages forwarded to the Commission are in accordance with Article 24(3) of Implementing Regulation (EU) No 404/2011.

6. Each Member State shall ensure that all messages made available to its inspection vessels are treated in a confidential manner and are limited to inspection at sea operations.

SECTION 9

Inspection and Enforcement

Article 58

ICCAT Scheme of Joint International Inspection

1. Joint international inspection activities shall be carried out in accordance with the ICCAT Scheme of Joint International Inspection (the ICCAT 'scheme') for international control outside the waters under national jurisdiction, as set out in Annex IX to this Regulation.

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2. Member States whose fishing vessels are authorised to operate for bluefin tuna shall assign inspectors and carry out inspections at sea under the ICCAT scheme.

3. When at any time, more than 15 fishing vessels flagged to a Member State are engaged in bluefin tuna activities in the Convention Area, the Member State ***concerned*** shall, on the basis of risk assessment, deploy an inspection vessel for the purpose of inspection and control at sea in the Convention Area throughout the period that those vessels are there. That obligation shall be deemed to have been complied with where Member States cooperate to deploy an inspection vessel or where a Union inspection vessel is deployed in the Convention Area.

4. The Commission or a body designated by it may assign Union inspectors to the ICCAT scheme.

5. For the purpose of paragraph 3, the Commission or a body designated by it shall coordinate the surveillance and inspection activities for the Union. The Commission may draw up, in coordination with the Member States concerned, joint inspection programmes to enable the Union to fulfil its obligation under the ICCAT scheme. Member States whose fishing vessels are engaged in the fishery of bluefin tuna shall adopt the necessary measures to facilitate the implementation of those programmes particularly as regards the human and material resources required and the periods and geographical areas when those resources are to be deployed.

6. Member States shall inform the Commission by 1 April of each year of the names of the inspectors and the inspection vessels they intend to assign to the ICCAT scheme during the year. Using that information, the Commission shall draw up, in collaboration with the Member States, a plan for the Union participation in the ICCAT scheme each year, which it shall send to the ICCAT Secretariat and the Member States.

Article 59

Inspections in case of infringements

The flag Member State shall ensure that a physical inspection of a fishing vessel flying its flag takes place under its authority in its ports, or by an inspector designated by it when the fishing vessel is not in one of its ports, if the fishing vessel:

(a) failed to comply with the recording and reporting requirements set out in Articles 31 and 32; or

(b) committed a breach of the provisions of this Regulation or a serious infringement referred to in Article 42 of Regulation (EC) No 1005/2008 or in Article 90 of Regulation (EC) No 1224/2009.

Article 60

Cross-checks

1. Each Member State shall verify information and timely submission of inspection and observer reports, VMS data, and where appropriate e-BCDs, logbooks of their fishing vessels, transfers/transhipment documents and catch documents, in accordance with Article 109 of Regulation (EC) No 1224/2009.

2. Each Member State shall carry out cross-checks on all landings, all transhipments or caging between the quantities by species recorded in the fishing vessel logbook or quantities by species recorded in the transhipment declaration and the quantities recorded in the landing declaration or caging declaration, and any other relevant document, such as invoice and/or sales notes.

SECTION 10

Enforcement

Article 61

Enforcement

Without prejudice to Articles 89 to 91 of Regulation (EC) No 1224/2009, and in particular the duty of the Member States to take appropriate enforcement measures with respect to a fishing vessel, the Member State responsible for the farm(s) for bluefin tuna shall take appropriate enforcement measure with respect to a farm, where it has been established, in accordance with its law that this farm does not comply with the provisions of Articles 46 to 56 ***of this Regulation***. Depending on the gravity of the offense and in accordance with the ***relevant*** provisions of national law ***such measures may include, in particular,*** suspension or withdrawal of the ***authorisation and/or fines. Member States shall communicate any suspension or withdrawal of an authorisation to the Commission, which shall notify it to the ICCAT Secretariat with a view to modifying the 'record of bluefin tuna farming facilities' accordingly***.

CHAPTER 6

Marketing

Article 62

Marketing measures

1. Without prejudice to Regulations (EC) No 1224/2009 and (EC) No 1005/2008 and Regulation (EU) No 1379/2013 of the European Parliament and of the Council ([28]). Union trade, landing, import, export, placing in cages for fattening or farming, re-export and transhipment of bluefin tuna that are not accompanied by the accurate, complete and validated documentation set out in this Regulation, ▌ and Union legislation implementing ICCAT rules on the ***bluefin tuna*** catch documentation programme shall be prohibited.

2. Union trade, import, landing, placing in cages for fattening or farming, processing, export, re-export and transhipment of bluefin tuna shall be prohibited if:

(a) the bluefin tuna was caught by fishing vessels or traps whose flag State does not have a quota, ***or*** catch limit ▌ for bluefin tuna under the terms of ICCAT conservation and management measures, or;

(b) the bluefin tuna was caught by a fishing vessel or a trap whose individual quota or whose State's fishing opportunities were exhausted at the time of the catch.

3. Without prejudice to Regulations (EC) No 1224/2009, (EC) No 1005/2008 and (EU) No 1379/2013, Union trade, imports, landings, processing and exports of bluefin tuna from fattening or farming farms that do not comply with the Regulations referred to in paragraph 1 shall be prohibited.

CHAPTER 7

Final provisions

Article 63

Evaluation

Upon request from the Commission, Member States shall submit without delay a detailed report on their implementation of this Regulation to the Commission. Based on the information received from Member States, the Commission shall submit to the ICCAT Secretariat by the date decided by the ICCAT, a detailed report on the implementation of ICCAT Recommendation 19-04.

Article 64

Financing

For the purposes of Regulation (EU) No 508/2014 of the European Parliament and of the Council ([29]), this Regulation shall be deemed to be a multiannual plan within the meaning of Article 9 of Regulation (EU) No 1380/2013.

Article 65

Confidentiality

Data collected and exchanged in the framework of this Regulation shall be treated in accordance with the applicable rules on confidentiality pursuant to Articles 112 and 113 of Regulation (EC) No 1224/2009.

Article 66

Procedure for amendments

1. The Commission is empowered to adopt delegated acts in accordance with Article 67 concerning amendments to this Regulation in order to adapt it to measures adopted by ICCAT that bind the Union and its Member States as regards:

([28]) Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

([29]) Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

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(a) Derogations to the prohibition under Article 8 to carry-over unused quotas;

(b) Deadlines for reporting information as laid down in Article 24(4), Article 26(1), Article 29(1), Article 32(2) and (3), Article 35(5) and (6), Article 36, Article 41(3), Article 44(2), Article 51(7), Article 52(~~1~~**2**), Article 55, point (b) of Article 57(5) and Article 58(6);

(c) Time periods for fishing seasons as provided in Article 17(1) and (4);

(d) The minimum conservation reference size set in Article 19(1) and (2) and Article 20(1);

(e) The percentages and reference parameters laid down in Article 13, Article 15(3) and (4), Article 20(1), Article 21(2), Article 38(1), Article 44(2), Article 50 and Article 51(9);

(f) The information to be submitted to the Commission referred to in Article 11(1), Article 24(1), Article 25(3), Article 29 (1), Article 30(4), Article 34(2), Article 40(1) and Article 55;

(g) Tasks for national observers and ICCAT regional observers as provided in Article 38(2) and Article 39(5), respectively;

(h) Reasons to refuse the authorisation to transfer laid down in Article 41(1);

(i) Reasons to seize the catches and order the release of fish of Article 46(4);

(j) The number of vessels in Article 58(3);

(k) Annexes I to XV.

2. Any amendments adopted in accordance with paragraph 1 shall be strictly limited to the implementation of amendments and/or supplements to the respective ICCAT recommendations ***which are binding on the*** Union.

Article 67

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 66 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. ***The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

3. The delegation of power referred to in Article 66 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 66 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 68

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established under Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 69

Amendments to Regulation (EC) No 1936/2001

Regulation (EC) No 1936/2001 is amended as follows:

(a) Points (g) to (j) of Article 3, Articles 4a, 4b, and 4c and Annex Ia are deleted.

(b) in Annexes I and II, the word 'Bluefin tuna: *Thunnus thynnus*' is deleted.

Article 70

Amendments to Regulation (EU) 2017/2107

In Regulation (EU) 2017/2107, Article 43 is deleted.

Article 71

Amendments to Regulation (EU) 2019/833

In Regulation (EU) 2019/833, Article 53 is deleted.

Article 72

Repeal

1. Regulation (EC) 2016/1627 is hereby repealed.

2. References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex XVI.

Article 73

Entry into force

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

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

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

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ANNEX I

Specific Conditions Applying to the Catching Vessels fishing under Article 19

1. Each Member State shall ensure the following capacity limitations are respected:

   — The maximum number of its baitboats and trolling boats authorised to fish actively bluefin tuna to the number of the vessels participating in directed fishery for bluefin tuna in 2006.

   — The maximum number of its artisanal fleet authorised to fish actively bluefin tuna in the Mediterranean Sea to the number of the vessels participating in the fishery for bluefin tuna in 2008.

   — The maximum number of its catching vessel authorised to fish actively bluefin tuna in the Adriatic to the number of the vessel participating in the fishery for bluefin tuna in 2008. Each Member State shall allocate individual quotas to the concerned vessels.

2. Each Member State may allocate:

   — No more than 7 % of its quota for bluefin tuna among its baitboats and trolling boats. In the case of France, a max of 100 tonnes of Bluefin tuna weighing no less than 6,4 kg or 70 cm fork length, can be caught by vessels flying the flag of France of an overall length of less than 17 m operating in the Bay of Biscay.

   — No more than 2 % of its quota for bluefin tuna among its coastal artisanal fishery for fresh fish in the Mediterranean Sea.

   — ***No more than 90 % of its quota for bluefin tuna among its catching vessels in the Adriatic for farming purposes.***

3. For a maximum of 7 % by weight of specimens of bluefin tuna caught in Adriatic for farming purposes by its vessels, Croatia may apply a minimum weight of 6,4 kg or 66 cm fork length.

4. Member States whose baitboats, longliners, handliners and trolling boats are authorised to fish for bluefin tuna in the eastern Atlantic and Mediterranean Sea shall institute tail tag requirements as follows:

   — Tail tags must be affixed on each bluefin tuna immediately upon offloading.

   — Each tail tag shall have a unique identification number and be included on bluefin tuna catch documents and written legibly and indelibly on the outside of any package containing tuna.

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ANNEX II

Logbook requirements

A. CATCHING VESSELS

Minimum specifications for fishing logbooks:

1 The logbook shall be numbered by sheet.

2 The logbook shall be completed every day (midnight) or before port arrival.

3. The logbook shall be completed in case of at-sea inspections.

4 One copy of the sheets shall remain attached to the logbook.

5 Logbooks shall be kept on board to cover a period of one year of operation.

Minimum standard information for fishing logbooks:

1. Master's name and address.

2. Dates and ports of departure, dates and ports of arrival.

3. Vessel's name, register number, ICCAT number, international radio call sign and IMO number (if available).

4. Fishing gear:

(a) type FAO code;

(b) dimension (e.g. length, mesh size, number of hooks).

5. Operations at sea with one line (minimum) per day of trip, providing:

(a) activity (e.g. fishing, steaming);

(b) position: exact daily positions (in degree and minutes), recorded for each fishing operation or at midday when no fishing has been conducted during that day;

(c) record of catches, including:

— FAO code;

— round (RWT) weight in kg per day;

— number of pieces per day.

For purse seiners those data shall be recorded by fishing operation, including nil return.

6. Master's signature.

7. Means of weight measure: estimation, weighing on board.

8. The logbook shall be kept in equivalent live weight of fish and shall mention the conversion factors used in the evaluation.

Minimum information for fishing logbooks in case of landing or transhipment:

1. Dates and port of landing/transhipment.

2. Products:

(a) species and presentation by FAO code;

(b) number of fish or boxes and quantity in kg.

3. Signature of the master or vessel agent.

4. In case of transhipment: receiving vessel name, its flag and ICCAT number.

Minimum information for fishing logbooks in case of transfer into cages:

1. Date, time and position (latitude/longitude) of transfer.

2. Products:

   (a) species identification by FAO code;

   (b) number of fish and quantity in kg transferred into cages.

3. Name of towing vessel, its flag and ICCAT number.

4. Name of the farm of destination and its ICCAT number.

5. In the case of a JFO, in addition to the information laid down in points 1 to 4, the masters shall record in their logbook:

   (a) as regards the catching vessel transferring the fish into cages:

      — amount of catches taken on board,

      — amount of catches counted against its individual quota,

      — the names of the other vessels involved in the JFO;

   (b) as regards the other catching vessels of the same JFO not involved in the transfer of the fish:

      — the name of those vessels, their international radio call signs and ICCAT numbers,

      — that no catches have been taken on board or transferred into cages,

      — amount of catches counted against their individual quotas,

      — the name and the ICCAT number of the catching vessel referred to in point (a).

B. TOWING VESSELS

1. The master of a towing vessel shall record in the daily logbook the date, time and position of transfer, the quantities transferred (number of fish and quantity in kg), the cage number, as well as the catching vessel's name, flag and ICCAT number, the name of the other vessel(s) involved and their ICCAT number, the farm of destination and its ICCAT number, and the ICCAT transfer declaration number.

2. Further transfers to auxiliary vessels or to other towing vessel shall be reported, including the same information as in point 1, as well as the auxiliary or towing vessel's name, flag and ICCAT number and the ICCAT transfer declaration number.

3. The daily logbook shall contain the details of all transfers carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

C. AUXILIARY VESSELS

1. The master of an auxiliary vessel shall record the activities daily in the logbook, including the date, time and positions, the quantities of bluefin tuna taken on board, and the fishing vessel, farm or trap name he/she is operating in association with.

2. The daily logbook shall contain the details of all activities carried out during the fishing season. The daily logbook shall be kept on board and be accessible at any time for control purposes.

D. PROCESSING VESSELS

1. The master of a processing vessel shall report in the daily logbook the date, time and position of the activities and the quantities transhipped and the number and weight of bluefin tuna received from farms, traps or catching vessels, where applicable. The master shall also report the names and ICCAT numbers of those farms, traps or catching vessels.

2. The master of a processing vessel shall maintain a daily processing logbook specifying the round weight and number of fish transferred or transhipped, the conversion factor used, and the weights and quantities by product presentation.

3. The master of a processing vessel shall maintain a stowage plan that shows the location and the quantities of each species and presentation.

4. The daily logbook shall contain the details of all transhipments carried out during the fishing season. The daily logbook, processing logbook, stowage plan and the originals of ICCAT transhipment declarations shall be kept on board and be accessible at any time for control purposes.

ANNEX III

Catch report form

Catch report form												
Flag	ICCAT Number	Vessel name	Report start date	Report end date	Report duration (d)	Catch date	Location of the catch		Catch			Attributed weight in case of a joint fishing operation (kg)
							Latitude	Longitude	Weight (kg)	Number of pieces	Average weight (kg)	

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ANNEX IV

Application form for the authorisation to participate in a Joint Fishing Operation

Joint fishing operation								
Flag State	Vessel name	ICCAT No	Duration of the operation	Identity of the operators	Vessel's individual quota	Allocation key per vessel	Fattening and farming farm destination	
							CPC	ICCAT No

Date …

Validation of the flag State …

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ANNEX V

ICCAT Transhipment Declaration

Carrier vessel	**Fishing Vessel**	**Final destination:**
Name of vessel and radio call sign:	Name of the vessel and radio call sign:	Port:
Flag:	Flag:	Country:
Flag State authorisation No	Flag State authorisation No.	State:
National Register No	National Register No.	
ICCAT Register No	ICCAT Register No.	
IMO No	External identification:	
	Fishing logbook sheet No	

	Day	Month	Hour	Year	|2_|0_|__|__|	F.V Master's name:	Carrier vessel Master's name:
Departure	|__|__|	|__|__|	|__|__|	From:	|_____|		
Return	|__|__|	|__|__|	|__|__|	To:	|_____|	Signature:	Signature:
Tranship.	|__|__|	|__|__|	|__|__|	|_____|		

For transhipment, indicate the weight in kilograms or the unit used (e.g. box, basket) and the landed weight in kilograms of this unit: |___| kilograms.

LOCATION OF TRANSHIPMENT

Port	Sea		Species	Number of unit of fish	Type of product live	Type of product whole	Type of product gutted	Type of product head off	Type of product filleted	Type of product	Further transhipments
	Lat.	Long.									Date: |_____| Place/Position: |_____|
											Authorisation CP No
											Transfer vessel Master's signature:
											Name of receiver vessel:
											Flag
											ICCAT Register No
											IMO No
											Master's signature
											Date: |_____| Place/Position: |_____|
											Authorisation CP No
											Transfer vessel Master's signature:
											Name of receiver vessel:
											Flag
											ICCAT Register No
											IMO No
											Master's signature

Obligations in case of transhipment:

1. The original of the transhipment declaration shall be provided to the recipient vessel (processing/transport).
2. The copy of the transhipment declaration shall be kept by the correspondent catching vessel or trap.
3. Further transhipping operations shall be authorised by the relevant CPC which authorised the vessel to operate.
4. The original of the transhipment declaration has to be kept by the recipient vessel which holds the fish, up to the landing place.
5. The transhipping operation shall be recorded in the logbook of any vessel involved in the operation.

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ANNEX VI

ICCAT Transfer Declaration

Document No	ICCAT Transfer Declaration		
1. TRANSFER OF LIVE BFT DESTINATED FOR FARMING			
Fishing vessel name: Call sign: Flag: Flag State transfer authorisation No ICCAT Register No External identification: Fishing logbook No JFO No	Trap name: ICCAT Register No	Tug vessel name: Call sign: Flag: ICCAT Register No: External identification:	Name of destination farm: ICCAT Register No: Cage number:
2. TRANSFER INFORMATION			
Date: _ _ / _ _ / _ _ _ _	Place or position: Port: Lat: Long:		
Number of individuals:		Species:	Weight:
Type of product: Live ☐ Whole ☐ Gutted ☐ Other (Specify):			
Master of fishing vessel trap operator/farm operator name and signature:	Master of receiver vessel (tug, processing, carrier) name and signature:		Observer names, ICCAT No and signature:
3. FURTHER TRANSFERS			
Date: _ _ / _ _ / _ _ _ _	Place or position: Port: Lat: Long:		
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	

Date: _ _ / _ _ / _ _ _ _	Place or position: Port: Lat:	Long:	
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation no:	External identification:	Master of receiver vessel name and signature:	
Date: _ _ / _ _ / _ _ _ _	Place or position: Port: Lat:	Long:	
Tug vessel name:	Call sign:	Flag:	ICCAT Register No
Farm state transfer authorisation No:	External identification:	Master of receiver vessel name and signature:	
4. SPLIT CAGES			
Donor cage No	Kg:	No of fish:	
Donor tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No
Receiving cage No	Kg:	No of fish:	
Receiving tug vessel name:	Call sign:	Flag:	ICCAT Register No

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ANNEX VII

Minimum Information for Fishing Authorisations [1]

A. IDENTIFICATION

1. ICCAT registration number
2. Name of fishing vessel
3. External registration number (letters and numbers)

B. FISHING CONDITIONS

1. Date of issue
2. Period of validity
3. Conditions of fishing authorisation, including when appropriate species, zone, fishing gear and any other conditions applicable derived from this Regulation and/or from national legislation.

		From ../../.. To ../../..	From ../../.. To ../../..	From ../../.. To ../../..	From ../../.. To ../../..	From ../../.. To ../../..	From ../../.. To ../../..
Zones							
Species							
Fishing gear							
Other conditions							

[1] This is in Implementing Regulation (EU) No 404/2011.

ANNEX VIII

ICCAT Regional Observer Programme

ASSIGNMENT OF ICCAT REGIONAL OBSERVERS

1. Each ICCAT regional observer shall have the following qualifications to accomplish their tasks:

   (a) sufficient experience to identify species and fishing gear;

   (b) satisfactory knowledge of the ICCAT conservation and management measures assessed by a certificate provided by the Member States and based on ICCAT training guidelines;

   (c) the ability to observe and record accurately;

   (d) satisfactory knowledge of the language of the flag of the vessel or farm observed.

OBLIGATIONS OF THE ICCAT REGIONAL OBSERVER

2. The ICCAT regional observers shall:

   (a) have completed the technical training required by the guidelines established by ICCAT;

   (b) be nationals of one of the Member States and, to the extent possible, not of the farm or trap state or the flag State of the purse seiner. If, however, bluefin tuna is harvested from the cage and traded as fresh products, the ICCAT regional observer that observes the harvest may be a national of the Member State responsible for the farm;

   (c) be capable of performing the tasks set out in point 3;

   (d) be included in the list of ICCAT regional observers maintained by ICCAT;

   (e) not have current financial or beneficial interests in the bluefin tuna fishery.

ICCAT REGIONAL OBSERVER TASKS

3. The tasks of ICCAT regional observers shall be, in particular:

   (a) as regards observers on purse seine vessels, to monitor the purse seine vessels' compliance with the relevant conservation and management measures adopted by ICCAT. In particular, the regional observer shall:

      1. in cases where the ICCAT regional observer observes what may constitute non-compliance with ICCAT recommendations, he/she shall submit that information without delay to the ICCAT regional observer implementing company who shall forward it without delay to the flag State authorities of the catching vessel;

      2. record and report upon the fishing activities carried out;

      3. observe and estimate catches and verify entries made in the logbook;

      4. issue a daily report of the purse seine vessels' transfer activities;

      5. sight and record vessels which may be fishing in contravention of ICCAT conservation and management measures;

      6. record and report upon the transfer activities carried out;

      7. verify the position of the vessel when engaged in transfer;

8. observe and estimate products transferred, including through the review of video recordings;

9. verify and record the name of the fishing vessel concerned and its ICCAT number;

10. carry out scientific work such as collecting Task II data when required by the ICCAT Commission, based on the directives from the SCRS;

(b) as regards ICCAT regional observers in farms and traps, to monitor their compliance with the relevant conservation and management measures adopted by ICCAT. In particular, the ICCAT regional observer shall:

1. verify the data contained in the transfer declaration and caging declaration and BCD, including through the review of video records;

2. certify the data contained in the transfer declaration and caging declaration and BCDs;

3. issue a daily report of the farms' and traps' transfer activities;

4. countersign the transfer declaration and caging declaration and BCDs only when he/she agrees that the information contained within them is consistent with his/her observations including a compliant video record as per the requirements referred to in Article 42(1) and Article 43(1);

5. carry out such scientific work, for example collecting samples, as required by the Commission, based on the directives from the SCRS;

6. register and verify the presence of any type of tag, including natural marks, and notify any sign of recent tag removals;

(c) establish general reports compiling the information collected in accordance with this point and provide the master and farm operator with the opportunity to include therein any relevant information;

(d) submit to the Secretariat the general report referred to in point (c) within 20 days from the end of the period of observation;

(e) exercise any other functions as defined by the ICCAT Commission.

4. The ICCAT regional observer shall treat as confidential all information with respect to the fishing and transfer operations of the purse seiners and of the farms and shall accept that requirement in writing as a condition of appointment as an ICCAT regional observer.

5. The ICCAT regional observer shall comply with requirements established in the laws and regulations of the flag or farm state, which exercises jurisdiction over the vessel or farm to which the ICCAT regional observer is assigned.

6. The ICCAT regional observer shall respect the hierarchy and general rules of behaviour which apply to all vessel and farm personnel, provided such rules do not interfere with the duties of the ICCAT regional observer under this programme, and with the obligations of vessel and farm personnel set out in point 7 of this Annex and Article 39.

OBLIGATIONS OF THE FLAG MEMBER STATES TOWARDS ICCAT REGIONAL OBSERVERS

7. Member States responsible for the purse seiner, farm or trap, shall ensure that ICCAT regional observers are:

(a) allowed access to the vessel, farm and trap personnel and to the gear, cages and equipment;

(b) allowed access, upon request, to the following equipment, if present on the vessels to which they are assigned, in order to facilitate the carrying out of their duties set out in point 3 of this Annex:

1 satellite navigation equipment,

2. radar display viewing screens when in use,

3. electronic means of communication;

(c) provided with accommodation, including lodging, food and adequate sanitary facilities, equal to those of officers;

(d) provided with adequate space on the bridge or pilot house for clerical work, as well as space on deck adequate for carrying out observer duties.

COSTS ARISING FROM THE ICCAT REGIONAL OBSERVER PROGRAMME

8. All costs arising from the operation of ICCAT regional observers shall be borne by each farm operator or owner of purse seiners.

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ANNEX IX

ICCAT Scheme of Joint International Inspection

ICCAT agreed at its Fourth Regular Meeting (Madrid, November 1975) and at its Annual Meeting in 2008 in Marrakesh that:

Pursuant to paragraph 3 of Article IX of the Convention, the ICCAT Commission recommends the establishment of the following arrangements for international control outside the waters under national jurisdiction for the purpose of ensuring the application of the Convention and the measures in force thereunder:

I. SERIOUS VIOLATIONS

1. For the purposes of these procedures, a serious violation means the following violations of the provisions of the ICCAT conservation and management measures adopted by the ICCAT Commission:

   (a) without a licence, permit or authorisation issued by the flag CPC;

   (b) failure to maintain sufficient records of catch and catch-related data in accordance with the ICCAT Commission's reporting requirements or significant misreporting of such catch and/or catch-related data;

   (c) fishing in a closed area;

   (d) fishing during a closed season;

   (e) intentional taking or retention of species in contravention of any applicable conservation and management measure adopted by ICCAT;

   (f) significant violation of catch limits or quotas in force pursuant to ICCAT rules;

   (g) using prohibited fishing gear;

   (h) falsifying or intentionally concealing the markings, identity or registration of a fishing vessel;

   (i) concealing, tampering with or disposing of evidence relating to the investigation of a violation;

   (j) multiple violations which, taken together, constitute a serious disregard of measures in force pursuant to ICCAT;

   (k) assault, resist, intimidate, sexually harass, interfere with, or unduly obstruct or delay an authorised inspector or observer;

   (l) intentionally tampering with or disabling the VMS;

   (m) such other violations as may be determined by the ICCAT, once those are included and circulated in a revised version of those procedures;

   (n) fishing with the assistance of spotter planes;

   (o) interference with the satellite monitoring system and/or operation of a vessel without the VMS;

   (p) transfer activity without transfer declaration;

   (q) transhipment at sea.

2. In the case of any boarding and inspection of a fishing vessel during which the authorised inspector observes an activity or condition that would constitute a serious violation, as defined in point 1, the authorities of the flag State of the inspection vessels shall immediately notify the flag State of the fishing vessel, directly as well as through the ICCAT Secretariat. In such situations, the inspector shall also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

3. The ICCAT inspector shall register, in the fishing vessel's logbook, the inspections undertaken and any infringements detected.

4. The flag Member State shall ensure that, following the inspection referred to in point 2, the fishing vessel concerned ceases all fishing activities. The flag Member State shall require the fishing vessel to proceed within 72 hours to a port designated by it, where an investigation shall be initiated.

5. If the vessel is not called to port, the flag Member State shall provide due justification in a timely manner to the European Commission which shall forward the information to the ICCAT Secretariat, who shall make it available on request to other Contracting Parties.

II. CONDUCT OF INSPECTIONS

6. Inspections shall be carried out by inspectors designated by the Contracting Parties. The names of the authorised government agencies and each inspector designated for that purpose by their respective governments shall be notified to the ICCAT Commission.

7. Ships carrying out international boarding and inspection duties in accordance with this Annex shall fly a special flag or pennant approved by the ICCAT Commission and issued by the ICCAT Secretariat. The names of the ships so used shall be notified to the ICCAT Secretariat as soon as practical in advance of the commencement of inspection activities. The ICCAT Secretariat shall make information regarding designated inspection vessels available to all CPCs, including by posting on its password-protected website.

8. Each inspector shall carry an appropriate identity document issued by the authorities of the flag State, which shall be in the form shown in point 21 of this Annex.

9. Subject to the arrangements agreed under point 16, a vessel flagged to a Contracting Party and fishing for tuna or tuna-like fish in the Convention Area outside the waters within its national jurisdiction shall stop when given the appropriate signal in the International Code of Signals by a ship flying the ICCAT pennant described in point 7 and carrying an inspector, unless the vessel is actually carrying out fishing operations, in which case it shall stop immediately once it has finished such operations. The master of the vessel shall permit the inspection party, as specified in point 10, to board it and shall provide a boarding ladder. The master shall enable the inspection party to make such examination of equipment, catch or gear and any relevant documents as an inspector deems necessary to verify the compliance with the ICCAT Commission's recommendations in force in relation to the flag State of the vessel being inspected. Further, an inspector may ask for any explanations that are deemed necessary.

10. The size of the inspection party shall be determined by the commanding officer of the inspection vessel, taking into account relevant circumstances. The inspection party shall be as small as possible to safely and securely accomplish the duties set out in this Annex.

11. Upon boarding the vessel, the inspector shall produce the identity documentation described in point 8. The inspector shall observe generally accepted international regulations, procedures and practices relating to the safety of the vessel being inspected and its crew, and shall minimise interference with fishing activities or stowage of product and, to the extent practicable, avoid action, which would adversely affect the quality of the catch on board.

Each inspector shall limit his/her enquiries to the ascertainment of the observance of the ICCAT Commission's recommendations in force in relation to the flag State of the vessel concerned. In making the inspection, an inspector may ask the master of the fishing vessel for any assistance that may be required. The inspector shall draw up a report of the inspection in a form approved by the ICCAT Commission. The inspector shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he/she may think suitable and shall sign such observations.

12. Copies of the report shall be given to the master of the vessel and to the government of the inspection party, which shall transmit copies to the appropriate authorities of the flag State of the inspected vessel and to the ICCAT Commission. Where any infringement of ICCAT recommendations is discovered, the inspector shall, where possible, also inform any inspection ship of the flag State of the fishing vessel known to be in the vicinity.

13. Resistance to an inspector or failure to comply with his/her directions shall be treated by the flag State of the inspected vessel in a manner similar to such conduct committed with respect to a national inspector.

14. The inspector shall carry out his/her duties under these arrangements in accordance with the rules set out in this Regulation, but they shall remain under the operational control of their national authorities and shall be responsible to them.

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15. Contracting Parties shall consider and act on inspection reports, sighting information sheets as per Recommendation 94-09 and statements resulting from documentary inspections of foreign inspectors under these arrangements on a similar basis in accordance with their national legislation to the reports of national inspectors. The provisions of this point shall not impose any obligation on a Contracting Party to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

16. (a) Contracting Parties shall inform the ICCAT Commission by 15 February each year of their provisional plans for conducting inspection activities under the recommendation implemented by this regulation in that calendar year and the ICCAT Commission may make suggestions to Contracting Parties for the coordination of national operations in this field, including the number of inspectors and ships carrying inspectors.

(b) The arrangements set out in the ICCAT Recommendation 19-04 and the plans for participation shall apply between Contracting Parties unless otherwise agreed between them, and such agreement shall be notified to the ICCAT Commission. However, the implementation of the scheme shall be suspended between any two Contracting Parties if either of them has notified the ICCAT Commission to that effect, pending completion of such an agreement.

17. (a) The fishing gear shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The inspector shall state the subarea for which the inspection took place, and a description of any violations found in the inspection report.

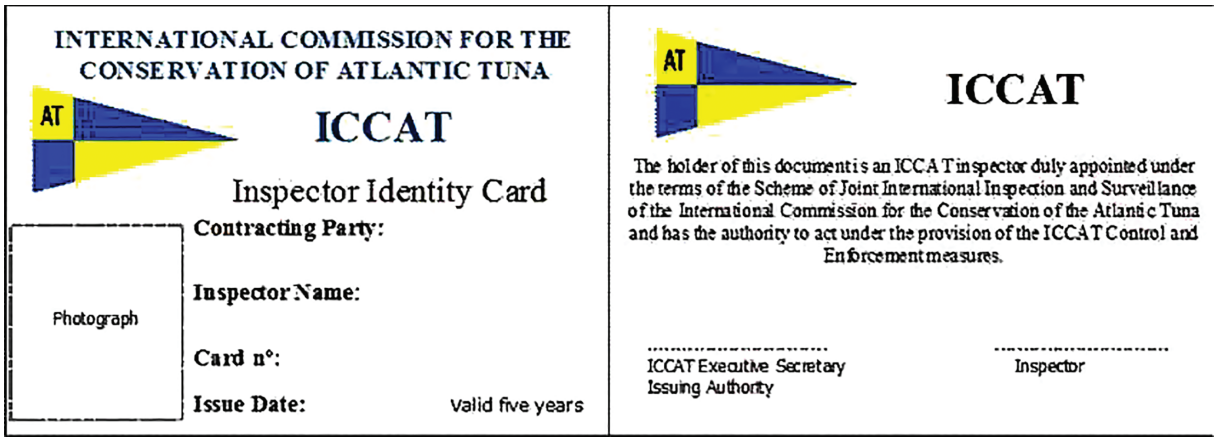
(b) The inspector shall be entitled to inspect all fishing gear in use or on board.

18. The inspector shall affix an identification mark approved by the ICCAT Commission to any fishing gear inspected which appears to be in contravention of the ICCAT Commission recommendations in force in relation to the flag State of the vessel concerned and shall record this fact in the inspection report.

19. The inspector may photograph the gear, equipment, documentation and any other element he/she consider necessary in such a way as to reveal those features which in his/her opinion are not in conformity with the regulation in force, in which case the subjects photographed shall be listed in the report and copies of the photographs shall be attached to the copy of the report to the flag State.

20. The inspector shall, as necessary, inspect all catch on board to determine compliance with ICCAT recommendations.

21. The model identity card for inspectors is as follows:



ANNEX X

Minimum standards for video recording procedures

Transfer operations

1. The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the transfer operation, who shall immediately initialise it to avoid any further manipulation.

2. The original recording shall be kept on board the catching vessel or by the farm or trap operator, where appropriate, during its entire period of authorisation.

3. Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer on board the purse seiner and one to the national observer on board the towing vessel, the latter of which shall accompany the transfer declaration and the associated catches to which it relates. That procedure shall only apply to national observers in the case of transfers between towing vessels.

4. At the beginning and/or the end of each video, the ICCAT transfer authorisation number shall be displayed.

5. The time and the date of the video shall be continuously displayed throughout each video record.

6. Before the start of the transfer, the video shall include the opening and closing of the net/door and footage showing whether the receiving and donor cages already contain bluefin tuna.

7. The video recording shall be continuous without any interruptions and cuts and cover the entire transfer operation.

8. The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.

9. If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, ▌a ***control*** transfer shall be ***conducted. The operator may request to the flag authorities of the vessel or trap to conduct a control transfer. In the case the operator does not request such control transfer or the result of that voluntary transfer is not satisfactory, the control authorities shall request as many control transfers as necessary until a video record of sufficient quality is available. Such control transfers shall cover transfer of all the bluefin tuna from*** the receiving cage into another cage which must be empty. ***Where the origin of the fish is a trap, the bluefin tuna already transferred from the trap to the receiving cage may be sent back to the trap, in which case the control transfer shall be cancelled under the supervision of the ICCAT regional observer.***

Caging operations

1. The electronic storage device containing the original video record shall be provided to the ICCAT regional observer as soon as possible after the end of the caging operation, who shall immediately initialise it to avoid any further manipulation.

2. The original recording shall be kept by the farm, where applicable, during their entire period of authorisation.

3. Two identical copies of the video record shall be produced. One copy shall be transmitted to the ICCAT regional observer deployed on the farm.

4. At the beginning and/or the end of each video, the ICCAT caging authorisation number shall be displayed.

5. The time and the date of the video shall be continuously displayed throughout each video record.

6. Before the start of the caging, the video shall include the opening and closing of the net/door and whether the receiving and donor cages already contain bluefin tuna.

7. The video recording shall be continuous without any interruptions and cuts and cover the entire caging operation.

8. The video record shall be of sufficient quality to estimate the number of bluefin tuna being transferred.

9. If the video record is of insufficient quality to estimate the number of bluefin tuna being transferred, then a new caging operation shall be requested by the control authorities. The new caging operation shall include all the bluefin tuna in the receiving farm cage into another farm cage which shall be empty.

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ANNEX XI

Standards and procedures for stereoscopical cameras systems in the context of caging operations

A. Use of stereoscopical cameras systems

The use of stereoscopic cameras systems in the context of caging operations, as required by Article 51 shall be conducted in accordance with the following:

1. The sampling intensity of live fish shall not be below 20 % of the amount of fish being caged. When technically possible, the sampling of live fish shall be sequential, one in every five specimens being measured; such a sample shall be made up of fish measured at a distance between 2 and 8 metres from the camera.

2. The dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum width of 10 metres and a maximum height of 10 metres.

3. When the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up-to-date algorithm(s) established by SCRS shall be used to convert fork lengths into total weights, according to the size category of the fish measured during the caging operation.

4. Validation of the stereoscopical length measurements shall be undertaken prior to each caging operation using a scale bar at a distance of between 2 and 8 metres.

5. When the results of the stereoscopical programme are communicated, the information shall indicate the margin of error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed a range of +/- 5 %.

6. The report on the results of the stereoscopical programme shall include details on all the technical specifications above, including the sampling intensity, the way of sampling methodology, the distance from the camera, the dimensions of the transfer gate, and the algorithms (length-weight relationship). SCRS shall review those specifications and, if necessary, provide recommendations to modify them.

7. In cases where the stereoscopic camera footage is of insufficient quality to estimate the weight of bluefin tuna being caged, a new caging operation shall be ordered by the Member State authorities responsible for the catching vessel, trap or farm.

B. Presentation and use of the results of the programmes

1. Decisions regarding differences between the catch report and the results from the stereoscopical system programme shall be taken at the level of the JFO or total trap catches, for JFOs and trap catches destined to a farm facility involving a single CPC and/or Member State. The decision regarding differences between the catch report and the results from the stereoscopical system programme shall be taken at the level of the caging operations for JFOs involving more than one CPC and/or Member State, unless otherwise agreed by all the flag CPC and/or Member State authorities of the catching vessels involved in the JFO.

2. ***Within 15 days from the caging date,*** the Member State responsible for the farm shall provide a report to the Member State or CPC responsible for the catching vessel or trap and to the Commission, including the following documents:

   (a) technical stereoscopical system report including:

      — general information: species, site, cage, date, algorithm,

      — sizing statistical information: average weight and length, minimum weight and length, maximum weight and length, number of fish sampled, weight distribution, size distribution;

   (b) detailed results of the programme, with the size and weight of every fish that was sampled;

(c) caging report including:

— general information on the operation: number of the caging operation, name of the farm, cage number, BCD number, ITD number, name and flag of the catching vessel or trap, name and flag of the towing vessel, date of the stereoscopical system operation and footage file name,

— algorithm used to convert length into weight,

— comparison between the amounts declared in the BCD and the amounts found with the stereoscopical system, in number of fish, average weight and total weight (the formula used to calculate the difference shall be: (stereoscopical system-BCD)/stereoscopical system * 100),

— margin of error of the system,

— for those caging reports relating to JFOs/traps, the last caging report shall also include a summary of all information in previous caging reports.

3. When receiving the caging report, the Member State authorities of the catching vessel or trap shall take all the necessary measures according to the following situations:

(a) the total weight declared by the catching vessel or trap in the BCD is within the range of the stereoscopical system results:

— no release shall be ordered,

— the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras or alternative techniques) and average weight, while the total weight shall not be modified;

(b) the total weight declared by the catching vessel or trap in the BCD is below the lowest figure of the range of the stereoscopical system results:

— a release shall be ordered using the lowest figure in the range of the stereoscopical system results,

— the release operations shall be carried out in accordance with the procedure laid down in Article 41(2) and Annex XII,

— after the release operations took place, the BCD shall be modified both in number (using the number of fish resulting from the use of the control cameras, minus the number of fish released) and average weight, while the total weight shall not be modified;

(c) the total weight declared by the catching vessel or trap in the BCD exceeds the highest figure of the range of the stereoscopical system results:

— no release shall be ordered,

— the BCD shall be modified for the total weight (using the highest figure in the range of the stereoscopical system results), for the number of fish (using the results from the control cameras) and average weight accordingly.

4. For any relevant modification of the BCD, the values (number and weight) entered in Section 2 shall be consistent with those in Section 6 and the values in Sections 3, 4 and 6, shall be not higher those in Section 2.

5. In case of compensation of differences found in individual caging reports across all cagings from a JFO/trap, whether or not a release operation is required, all relevant BCDs shall be modified on the basis of the lowest range of the stereoscopical system results. The BCDs related to the quantities of bluefin tuna released shall also be modified to reflect the weight/number released. The BCDs related to bluefin tuna not released but for which the results from the stereoscopical systems or alternative techniques differ from those reported caught and transferred shall also be amended to reflect those differences.

The BCDs relating to the catches from where the release operation took place shall also be modified to reflect the weight/number released.

ANNEX XII

Release Protocol

1. The release of bluefin tuna from farming cages into the sea shall be recorded by video camera and observed by an ICCAT regional observer, who shall draft and submit a report together with the video records to the ICCAT Secretariat.

2. When a release order has been issued, the farm operator shall request the deployment of an ICCAT regional observer.

3. The release of bluefin tuna from transport cages or traps into the sea shall be observed by a national observer of the Member State responsible for the towing vessel or trap, who shall draft and submit a report to the responsible Member State control authorities.

4. Before a release operation takes place, Member State control authorities might order a control transfer using standard and/or stereoscopic cameras to estimate the number and weight of the fish that need to be released.

5. Member State authorities may implement any additional measures they consider necessary to guarantee that the release operations take place at the most appropriate time and place in order to increase the probability of the fish going back to the stock. The operator shall be responsible for the fish survival until the release operation has taken place. Those release operations shall take place within three weeks of the completion of the caging operations.

6. Following completion of harvesting operations, fish remaining in a farm and not covered by the BCD shall be released in accordance with the procedures laid down in Article 41(2) and this Annex.

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ANNEX XIII

Treatment of dead fish

During fishing operations by purse seiners, the quantities of fish found dead in the seine shall be recorded in the fishing vessel logbook and shall be deducted from the Member State quota accordingly.

Recording/treating of dead fish during the first transfer:

1. The BCD shall be provided to the operator of the towing vessel with Section 2 (Total catch), Section 3 (Live fish trade) and Section 4 (Transfer including 'dead' fish) completed.

   The total quantities reported in Sections 3 and 4 shall be equal to the quantities reported in Section 2. The BCD shall be accompanied by the original ICCAT Transfer Declaration (ITD) in accordance with the provisions of this Regulation. The quantities reported in the ITD (transferred live), shall be equal to the quantities reported in Section 3 in the associated BCD.

2. A split of the BCD with Section 8 (Trade information) shall be completed and given to the operator of the auxiliary vessel which transports the dead bluefin tuna to shore (or retained on the catching vessel if landed directly to shore). The dead fish and split BCD shall be accompanied by a copy of the ITD.

3. The quantities of dead fish shall be recorded in the BCD of the catching vessel which made the catch or, in the case of JFOs, in the BCD of the catching vessels or of a vessel flying another flag participating in the JFO.

ANNEX XIV

ICCAT Declaration on caging [1]

Vessel name	Flag	Registration Number Identifiable cage number	Date of catch	Place of catch Longitude Latitude	***eBCD*** number	***eBCD*** date	Date of caging	Quantity placed in cage (t)	Number of fish placed in cage for fattening	Size composition	Farming facility (*)

(*) Facility authorized to operate for fattening of Bluefin tuna caught in the Convention area.

[1] This is the Declaration on caging laid down in ICCAT Recommendation 06-07.

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ANNEX XV

Minimum Standards for the establishment of a Vessel Monitoring System in the ICCAT Convention Area [1]

1. Notwithstanding stricter requirements that may apply in specific ICCAT fisheries, each flag Member State shall implement a Vessel Monitoring System (hereinafter referred to as VMS) for its fishing vessels above 15 meters LOA authorised to fish in waters beyond jurisdiction of the flag Member State and:

   (a) Require its fishing vessels to be equipped with an autonomous, tamper-evident system that continuously, automatically, and independent of any intervention by the vessel, transmits messages to the fishing monitoring centre ('FMC') of the flag Member State to track the position, course, and speed of a fishing vessel by the flag MS of that vessel.

   (b) Ensure that the satellite tracking device fitted on board the fishing vessel collects and transmits continuously to the FMC of the flag Member State the following data:

      — the vessel's identification;

      — the geographical position of the vessel (longitude, latitude) with a margin of error lower than 500 meters, with a confidence interval of 99 %; and

      — the date and time.

   (c) Ensure that the FMC of the flag Member State receives an automatic notification if communication between the FMC and the satellite tracking device is interrupted.

   (d) Ensure, in cooperation with the coastal State, that the position messages transmitted by its vessels while operating in waters under the jurisdiction of that coastal State are also transmitted automatically and in real time to the FMC of the coastal State that has authorised the activity. In implementing this provision, due consideration shall be been given to minimizing the operational costs, technical difficulties, and administrative burden associated with transmission of these messages.

   (e) In order to facilitate the transmission and receipt of position messages, as described in point (d), the FMC of the flag Member State or CPC, and the FMC of the coastal State shall exchange their contact information and notify each other without delay of any changes to this information. The FMC of the coastal State shall notify the flag Member State or CPC FMC of any interruption in the reception of consecutive position messages. The transmission of position messages between the FMC of the flag Member State or CPC, and that of the coastal State shall be carried out electronically using a secure communication system.

2. Each Member State shall take appropriate measures to ensure that the VMS messages are transmitted and received, as specified in paragraph 1, and use this information to continuously track the position of its vessels.

3. Each Member State shall ensure that the masters of fishing vessels flying its flag ensure that the satellite tracking devices are permanently and continuously operational and that the information identified in paragraph 1(b) is collected and transmitted at least once every hour for purse seine vessels and at least once every two hours for all other vessels. In addition, Member States shall require that their vessel operators ensure that:

   (a) the satellite tracking device is not tampered with in any way;

   (b) VMS data are not altered in any way;

   (c) the antennae connected to the satellite tracking device is not obstructed in any way;

   (d) the satellite tracking device is hardwired into the fishing vessel and the power supply is not intentionally interrupted in any way; and

[1] This is in the ICCAT Recommendation Concerning Minimum Standards for Vessel Monitoring Systems in the ICCAT Convention Area 18-10.

(e) the satellite tracking device is not removed from the vessel except for the purposes of repair or replacement.

4. In the event of a technical failure or non-operation of the satellite tracking device fitted on board a fishing vessel, the device shall be repaired or replaced within one month from the time of the event, unless the vessel has been removed from the list of authorised LSFVs, where applicable, or for vessels not required to be included on ICCAT's authorised vessel list, the authorisation to fish in areas beyond the jurisdiction of the flag CPC no longer applies. The vessel shall not be authorised to commence a fishing trip with a defective satellite tracking device. Furthermore, when a device stops functioning or has a technical failure during a fishing trip, the repair or the replacement shall take place as soon as the vessel enters a port; the fishing vessel shall not be authorised to commence a fishing trip without the satellite tracking device having been repaired or replaced.

5. Each Member State or CPC shall ensure that a fishing vessel with a defective satellite tracking device shall communicate to the FMC, at least daily, reports containing the information in paragraph 1(b) by other means of communication (radio, web-based reporting, electronic mail, telefax or telex).

6. Member States or CPC may allow a vessel to power down its satellite tracking device only if the vessel will not be fishing for an extended period of time (e.g., in dry dock for repairs), and it notifies the competent authorities of its flag Member State or CPC in advance. The satellite tracking device must be re-activated, and collect and transmit at least one report, prior to the vessel leaving port.

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ANNEX XVI

Correlation table between Regulation (EU) 2016/1627 and this Regulation

Regulation (EU) 2016/1627	This Regulation
Article 1	Article 1
Article 2	Article 1
Article 3	Article 5
Article 4	
Article 5	Article 6
Article 6	Article 11
Article 7	Article 12
Article 8	Article 13
Article 9	Article 14
Article 10	Article 16
Article 11	Article 17 and Annex I
Article 12	Article 17 and Annex I
Article 13	Article 18
Article 14	Article 19
Article 15	Article 20
Article 16	Article 21
Article 17	Article 25
Article 18	Article 22
Article 19	Article 23
Article 20	Article 26
Article 21	Article 4
Article 22	Article 27
Article 23	Article 28
Article 24	Article 30
Article 25	Article 31
Article 26	Article 32

Regulation (EU) 2016/1627	This Regulation
Article 27	Article 36
Article 28	Article 37
Article 29	Article 29
Article 30	Article 33
Article 31	Article 34
Article 32	Article 35
Article 33	Article 40
Article 34	Article 41
Article 35	Article 43
Article 36	Article 44
Article 37	Article 51
Article 38	Article 42
Article 39	Article 45
Article 40	Article 46
Article 41	Article 46
Article 42	Article 47
Article 43	Article 48
Article 44	Article 49
Article 45	Article 50
Article 46	Article 51
Article 47	Article 55
Article 48	Article 56
Article 49	Article 57
Article 50	Article 38
Article 51	Article 39
Article 52	Article 58
Article 53	Article 15

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Regulation (EU) 2016/1627	This Regulation
Article 54	Article 59
Article 55	Article 60
Article 56	Article 62
Article 57	Article 63
Article 58	Article 64
Article 59	Article 68
Article 60	Article 70
Article 61	Article 71
Annex I	Annex I
Annex II	Annex II
Annex III	Annex V
Annex IV	Annex VI
Annex V	Annex III
Annex VI	Annex IV
Annex VII	Annex VIII
Annex VIII	Annex IX
Annex IX	Annex X
Annex X	Annex XI
Annex XI	Annex XII
Annex XII	Annex XIII

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P9_TA(2021)0144

Addressing the dissemination of terrorist content online ***II

European Parliament legislative resolution of 28 April 2021 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 addressing the dissemination of terrorist content online (14308/1/2020 — C9-0113/2021 — 2018/0331(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/39)

The European Parliament,

— having regard to the Council position at first reading (14308/1/2020 — C9-0113/2021),

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to its position at first reading [1] on the Commission proposal to Parliament and the Council (COM(2018)0640),

— having regard to the opinion of the European Economic and Social Committee of 12 December 2018 [2],

— having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

— having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,

— having regard to Rule 67 of its Rules of Procedure,

— having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A9-0133/2021),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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[1] Text adopted of 17.4.2019, P8_TA(2019)0421.
[2] OJ C 110, 22.3.2019, p. 67.

Thursday 29 April 2021

P9_TA(2021)0145

Digital Green Certificate — Union citizens

Amendments adopted by the European Parliament on 29 April 2021 on the proposal for a regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate) (COM(2021)0130 — C9-0104/2021 — 2021/0068(COD)) [1]

(Ordinary legislative procedure: first reading)

[Amendment 25, unless otherwise indicated]

(2021/C 506/40)

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

REGULATION (EU) 2021/… OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (*EU COVID-19* Certificate)

(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 21(2) 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) Every citizen of the Union has the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give effect to them. Directive 2004/38/EC of the European Parliament and of the Council [1] lays down detailed rules as regards the exercise of that right

(1a) Facilitating freedom of movement is one of the key preconditions for starting an economic recovery.

(2) On 30 January 2020, the Director-General of the World Health Organization ('WHO') declared a public health emergency of international concern over the global outbreak of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which causes coronavirus disease 2019 (COVID-19). On 11 March 2020, the WHO made the assessment that COVID-19 can be characterized as a pandemic.

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

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

(1) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

(3) To limit the spread of the virus, the Member States have adopted various measures, some of which have had an impact on Union citizens' right to move and reside freely within the territory of the Member States, such as restrictions on entry or requirements for cross-border travellers to undergo quarantine/self-isolation or a test for SARS-CoV-2 infection. ***Such restrictions have detrimental effects on citizens and businesses, especially cross-border workers and commuters or seasonal workers.***

(4) On 13 October 2020, the Council adopted Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic ([2]). That Recommendation establishes a coordinated approach on the following key points: the application of common criteria and thresholds when deciding whether to introduce restrictions to free movement, a mapping of the risk of COVID-19 transmission based on an agreed colour code, and a coordinated approach as to the measures, if any, which may appropriately be applied to persons moving between areas, depending on the level of risk of transmission in those areas. In view of their specific situation, the Recommendation also emphasises that essential travellers, as listed in its point 19, and cross-border commuters, whose lives are particularly affected by such restrictions, in particular those exercising critical functions or essential for critical infrastructure, should ▌ be exempted from travel restrictions linked to COVID-19.

(5) Using the criteria and thresholds established in Recommendation (EU) 2020/1475, the European Centre for Disease Prevention and Control ('ECDC') has been publishing, once a week, a map of Member States, broken down by regions, in order to support Member States' decision-making ([3]).

(6) As emphasised by Recommendation (EU) 2020/1475, any restrictions to the free movement of persons within the Union put in place to limit the spread of COVID-19 should be based on specific and limited public interest grounds, namely the protection of public health. It is necessary for such limitations to be applied in compliance with the general principles of Union law, in particular proportionality and non-discrimination. Any measures taken should thus ***be strictly limited in scope and time in line with the effort to restore a fully functioning Schengen area without internal border controls*** and ***should*** not extend beyond what is strictly necessary to safeguard public health. Furthermore, they should be consistent with measures taken by the Union to ensure seamless free movement of goods and essential services across the Single Market, including those of medical supplies and ***medical and healthcare*** personnel through the so-called 'Green Lane' border crossings referred to in the Commission Communication on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services ([4]).

(7) ***People who are vaccinated, have a negative NAAT test that is less than [72 hours] old or have a negative rapid antigen test that is less than [24 hours] old, and people who have tested positive for specific antibodies to the spike protein within the last [6 months], have a significant reduced risk of infecting people with SARS-CoV-2, according to current medical knowledge.*** The free movement of persons who ***based on sound scientific evidence*** do not pose a ***significant*** risk to public health, for example because they are immune to and cannot transmit SARS-CoV-2, should not be restricted, as such restrictions would not be necessary to achieve the objective pursued.

(7a) To ensure harmonised use of the certificates, the duration of their respective validity should be set in this Regulation. However, at this stage, it is still unclear whether vaccines prevent transmission of COVID-19. Similarly, there is insufficient evidence on the duration of effective protection against COVID-19 following recovery from a prior infection. Therefore, it should be possible to adjust the duration of validity based on technical and scientific progress.

(8) Many Member States have launched or plan to launch initiatives to issue vaccination certificates. However, for these to be used effectively in a cross-border context when citizens exercise their free movement rights, such ***vaccination*** certificates need to be fully interoperable, ***compatible***, secure and verifiable. A commonly agreed approach is required among Member States on the content, format, principles, technical standards ***and level of protection*** of such certificates.

([2]) OJ L 337, 14.10.2020, p. 3.
([3]) Available at: https://www.ecdc.europa.eu/en/covid-19/situation-updates/weekly-maps-coordinated-restriction-free-movement
([4]) OJ C 96 I, 24.3.2020, p. 1.

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(9) Unilateral measures in this area have the potential to cause significant disruptions to the exercise of free movement ▌, ***and to hinder the proper functioning of the internal market, including the tourism sector,*** as national authorities and passenger transport services, such as airlines, trains, coaches or ferries, are confronted with a wide array of diverging document formats, not only regarding a person's vaccination status but also on tests and possible recovery from COVID-19. **[Am. 8]**

(9a) The European Parliament called in its resolution of 3 March 2021 on establishing an EU strategy for sustainable tourism for a harmonised approach across the EU on tourism, both implementing common criteria for safe travel, with an EU Health Safety protocol for testing and quarantine requirements and calling for a common vaccination certificate, once there is sufficient evidence that vaccinated persons do not transmit the virus, or mutual recognition of vaccination procedures.

(10) ***Without prejudice to the common measures on the crossing of internal borders by persons as laid down in the Schengen acquis, in particular in Regulation (EU) 2016/399 of the European Parliament and of the Council ([5]), and for the purpose of facilitating*** the exercise of the right to move and reside ▌within the territory of the Member States, a common framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery ▌ entitled '***EU COVID-19*** Certificate' should be established ***which should be binding and directly applicable in all Member States. All Union transport hubs, such as airports, ports, railway and bus stations, where the certificate is being verified, should apply standardised and common criteria and procedures for the verification of the EU COVID-19 certificate on the basis of guidance developed by the Commission.***

(10a) Member States, when applying this Regulation, should accept every type of certificate issued in accordance with this Regulation. The interoperable certificates should have equal value during the duration of their validity.

(11) This Regulation ***is intended to facilitate the application of the principles of proportionality and non-discrimination with regard to possible restrictions to free movement and other fundamental rights as a result of the COVID-19 pandemic, while pursuing a high level of public health protection and*** should not be understood as facilitating or encouraging the adoption of restrictions to free movement, or other fundamental rights, in response to the pandemic. ▌The exemptions to the restriction of free movement in response to the COVID-19 pandemic referred to in Recommendation (EU) 2020/1475 should continue to apply. ***Any need for verification of certificates established by this Regulation should not be able as such to justify the temporary reintroduction of border controls at internal borders. Checks at internal borders should remain a measure of last resort, subject to specific rules set out in Regulation (EU) 2016/399.***

(12) The foundation of a common approach for the issuance, verification and acceptance of such interoperable certificates hinges upon trust. False COVID-19 certificates may pose a significant risk to public health. Authorities in one Member State need assurance that the information included in a certificate issued in another Member State is trustworthy, that it has not been forged, that it belongs to the person presenting it, and that anyone verifying this information only has access to the minimum amount of information necessary.

(13) The risk posed by false COVID-19 certificates is real. On 1 February 2021, Europol issued an Early Warning Notification on the illicit sales of false negative COVID-19 test certificates ([6]). Given the available and easily accessible technological means, such as high-resolution printers and various graphics editor software, fraudsters are able to produce high-quality forged, faked or counterfeit certificates. Cases of illicit sales of fraudulent test certificates have been reported, involving more organised forgery rings and individual opportunistic scammers selling false certificates offline and online.

(14) To ensure interoperability and equal access, ***including for vulnerable persons such as persons with disabilities and for persons with limited access to digital technologies,*** Member States should issue the certificates making up the ***EU COVID-19*** Certificate in a digital or paper-based format***, as chosen by the holder***. This should allow the prospective holder to request and receive a paper copy of the certificate ***and***/or to store and display the certificate on a mobile device. The certificates should contain an interoperable, digitally readable barcode containing ***only*** the

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([5]) Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

([6]) https://www.europol.europa.eu/media-press/newsroom/news/europol-warning-illicit-sale-of-false-negative-covid-19-test-certificates

relevant data relating to the certificates. Member States should guarantee the authenticity, validity and integrity of the certificates by electronic seals ▌. The information on the certificate should also be included in human-readable format, either printed or displayed as plain text. The layout of the certificates should be easy to understand and ensure simplicity and user-friendliness. ***The information and layout should be presented in an accessible manner for persons with disabilities following the accessibility requirements for information, including digital information, laid down in Directive (EU) 2019/882 of the European Parliament and of the Council*** ([7]). To avoid obstacles to free movement, the certificates should be issued free of charge, and ***persons*** should have a right to have them issued. Member States should ***automatically*** issue the certificates making up the ***EU COVID-19*** Certificate ▌, or in the ***case of the certificate of recovery only*** upon request, ensuring that they can be obtained easily ***and swiftly*** and providing, where needed, the necessary support to ***ensure*** for equal access by all ***persons***. ***Any additional technical, digital and transport infrastructure expenses needed to put in place the vaccination certificates should be eligible under Union funds and programmes.*** **[Am. 17]**

(14a) The vaccines should be considered as global public goods available to the general population, hence Member States should ensure fair and free of charge access for all citizens. Member States should also ensure universal, accessible, timely and free of charge access to COVID-19 testing possibilities, including making these available in all transport hubs. Issuance of certificates pursuant to Article 3(1) should not lead to differential treatment and discrimination based on vaccination status or the possession of a specific certificate referred to in Articles 5, 6 and 7.

(15) The security, authenticity, integrity and validity of the certificates making up the ***EU COVID-19*** Certificate and their compliance with Union data protection legislation are key to their acceptance in all Member States. It is therefore necessary to establish a trust framework laying out the rules on and infrastructure for the reliable and secure issuance and verification of certificates. ***The infrastructure should be developed, with a strong preference for the use of Union technology, to function on all electronic devices while ensuring that that infrastructure is protected from cybersecurity threats. The trust framework should ensure that the verification of a certificate can happen offline and without informing the issuer about the verification and should therefore ensure that no issuer of certificates, nor any other third party, is informed when a holder presents a certificate***. The outline on the interoperability of health certificates ([8]) adopted, on 12 March 2021, by the eHealth Network set up under Article 14 of Directive 2011/24/EU ([9]) should form the basis for the trust framework. ***The trust framework should therefore be based on a public-key infrastructure with a trust chain from Member States' health authorities to the individual entities issuing the certificates. The trust framework should allow for detection against fraud, in particular forgery. A separate independent certificate should be issued for each vaccination, test or recovery, and no history of the previous certificates of the holder should be stored on the certificate.***

(16) Pursuant to this Regulation, ***any of*** the certificates making up the ***EU COVID-19*** Certificate should be issued to ***persons*** as referred to in Article 3 of Directive 2004/38/EC, that is, Union citizens and their family members, ***including citizens from Overseas Countries and Territories as referred to in Article 355.2 Treaty on the functioning of European Union (TFEU),*** whatever their nationality, by the Member State of vaccination or test, or where the recovered person is located. Where relevant or appropriate, the certificates should be issued ***to another person*** on behalf of the vaccinated, tested or recovered person, for example ***to the legal guardian*** on behalf of legally incapacitated persons or to parents on behalf of their children. The certificates should not require legalisation or ***any*** other similar formalities.

(16a) Restrictions linked to cross-border travel are particularly disruptive for persons who cross them daily or frequently to go to work or school, visit close relatives, seek medical care, or to take care of loved ones. The EU COVID-19 Certificate should facilitate the free movement of border residents, seasonal cross-border workers, temporary cross-border workers and transport workers.

([7]) ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

([8]) Available at: https://ec.europa.eu/health/sites/health/files/ehealth/docs/trust-framework_interoperability_certificates_en.pdf

([9]) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

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(16b) Underlining Recital (14a) of this Regulation and paragraphs 6 and 19 of Recommendation (EU) 2020/1475, Member States should pay particular attention to the specificities of cross-border regions, outermost regions, exclaves and geographically isolated areas and the need to cooperate at local and regional level as well as to persons who are considered to be frontier workers, cross-border workers and border residents and who reside in another Member State to which they return as a rule daily or at least once a week. **[Am. 18]**

(17) The certificates making up the ***EU COVID-19*** Certificate could also be issued to nationals or residents of Andorra, Monaco, San Marino and the Vatican/Holy See ▌.

(18) ▌Agreements on free movement of persons concluded by the Union and its Member States, of the one part, and certain third countries, of the other part, provide for the possibility to restrict free movement for public health reasons. Where such an agreement does not contain a mechanism of incorporation of European Union acts, certificates issued to beneficiaries of such agreements should be accepted under the conditions laid down in this Regulation. This should be conditional on an implementing act to be adopted by the Commission establishing that such a third country issues certificates in accordance with this Regulation and has provided formal assurances that it would accept certificates issued by the Member States.

(19) Regulation (EU) 2021/XXXX applies to third-country nationals who do not fall within the scope of this Regulation and who reside or stay legally in the territory of a State to which that Regulation applies and who are entitled to travel to other States in accordance with Union law.

(20) The framework to be established for the purpose of this Regulation should seek to ensure coherence with global initiatives ***or similar initiatives with third countries with which the European Union has close partnerships***, ▌involving the WHO ***and the International Civil Aviation Organisation***. This should include, where possible, interoperability between technological systems established at global level and the systems established for the purpose of this Regulation to facilitate free movement within the Union, including through the participation in a public key infrastructure or the bilateral exchange of public keys. To facilitate the free movement rights of Union citizens vaccinated ***or tested*** by third countries ***or by Overseas Countries or Territories referred to in Article 355 (2) TFEU or listed in Annex II thereto or the Faroe Islands***, this Regulation should provide for the acceptance of certificates issued by third countries ***or by Overseas Countries or Territories or the Faroe Islands*** to Union citizens and their family members where, the Commission finds that these certificates are issued according to standards equivalent to those established pursuant to this Regulation.

(21) ***For the purpose of facilitating*** free movement, and to ensure that restrictions of free movement currently in place during the COVID-19 pandemic can be lifted in a coordinated manner based on the latest scientific evidence ***and guidance made*** available ***by the Health Security Committee, ECDC and the European Medicines Agency (EMA),*** an interoperable vaccination certificate should be established. This vaccination certificate should serve to confirm that the holder has received a COVID-19 vaccine in a Member State ***and should allow for the waiving of travel restrictions***. The certificate should contain only the necessary information to clearly identify the holder as well as the COVID-19 vaccine, number, date and place of vaccination. Member States should issue vaccination certificates for persons receiving vaccines that have been granted marketing authorisation pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council [10] ▌.

(22) Persons who have been vaccinated before the date of application of this Regulation, including as part of a clinical trial, should also ***be entitled*** to obtain a certificate on COVID-19 vaccination that complies with this Regulation. At the same time, Member States should remain free to issue proofs of vaccination in other formats for other purposes, in particular for medical purposes.

(23) ***In line with the principle of non-discrimination,*** Member States should also issue such vaccination certificates to Union citizens and their family members who have been vaccinated ***with a COVID-19 vaccine having been granted market authorisation pursuant to Regulation (EC) No 726/2004*** in a third country and provide reliable proof to that effect. ***Member States should also be able to issue vaccine certificates to Union citizens and their family members who have been vaccinated with a vaccine that has received a WHO Emergency Use Listing, and where they provide reliable proof to that effect.***

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[10] Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

(24) On 27 January 2021, the eHealth Network adopted guidelines on proof of vaccination for medical purposes, which it updated on 12 March 2021 ([11]). These guidelines, in particular the preferred code standards, should form the basis for the technical specifications adopted for the purpose of this Regulation.

(25) Already now, several Member States exempt vaccinated persons from certain restrictions to free movement within the Union. ▌ Member States ***should*** accept proof of vaccination in order to waive restrictions to free movement put in place, in compliance with Union law, to limit the spread of COVID-19, such as requirements to undergo quarantine/self-isolation or be tested for SARS-CoV-2 infection, ***and*** they should be required to accept, under the same conditions, valid vaccination certificates issued by other Member States in compliance with this Regulation. This acceptance should take place under the same conditions, meaning that, for example, where a Member State considers sufficient a single dose of a vaccine administered, it should do so also for holders of a vaccination certificate indicating a single dose of the same vaccine. On grounds of public health, this obligation should be limited to persons having received COVID-19 vaccines having been granted marketing authorisation pursuant to Regulation (EC) No 726/2004 ▌ or vaccines having received a WHO Emergency Use Listing.

(26) It is necessary to prevent ***any kind of*** discrimination ***(direct or indirect)*** against persons who are not vaccinated, for example because of medical reasons, because they are not part of the target group for which the vaccine is currently ***administered***, or because they have not yet had the opportunity or chose not to be vaccinated***, or where there is no vaccine available yet for certain age categories, like children***. Therefore, possession of a vaccination certificate, or the possession of a vaccination certificate indicating a specific vaccine medicinal product, should not be a pre-condition to exercise free movement rights ▌ and cannot be a pre-condition ***to free movement within the Union and*** to use cross-border passenger transport services such as airlines, trains, coaches, ferries ***or any other means of transport.***

(26a) COVID-19 vaccines need to be produced at scale, priced affordably, allocated globally so that they are available where needed, and widely deployed in local communities. **[Am. 21/rev]**

(26b) Tackling the COVID-19 pandemic is a prerequisite for social and economic recovery and for the effectiveness of the recovery efforts. The development of COVID-19 vaccines is essential. The problems with serious cases of non-compliance with production and delivery schedules are very concerning. **[Am. 22/rev]**

(27) Many Member States have been requiring persons travelling to their territory to undergo a test for SARS-CoV-2 infection before or after arrival. At the beginning of the COVID-19 pandemic, Member States typically relied on reverse transcription polymerase chain reaction (RT-PCR), which is a nucleic acid amplification test (NAAT) for COVID-19 diagnostics considered by the WHO and ECDC as the 'gold standard', that is, the most reliable methodology for testing of cases and contacts ([12]). As the pandemic has progressed, a new generation of faster and cheaper tests has become available on the European market, the so-called rapid antigen tests, which detect the presence of viral proteins (antigens) to detect an ongoing infection. On 18 November 2020, the Commission adopted Commission Recommendation (EU) 2020/1743 on the use of rapid antigen tests for the diagnosis of SARS-CoV-2 infection ([13]).

(28) On 22 January 2021, the Council adopted Council Recommendation 2021/C 24/01 on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU ([14]), which provides for the development of a common list of COVID-19 rapid antigen tests. On this basis, the Health Security Committee agreed, on 18 February 2021, on a common list of COVID-19 rapid antigen tests, a selection of rapid antigen tests for which Member States will mutually recognise their results, and a common standardised set of data to be included in COVID-19 test result certificates ([15]).

([11]) Available at: https://ec.europa.eu/health/sites/health/files/ehealth/docs/vaccination-proof_interoperability-guidelines_en.pdf
([12]) https://www.ecdc.europa.eu/sites/default/files/documents/TestingStrategy_Objective-Sept-2020.pdf
([13]) OJ L 392, 23.11.2020, p. 63.
([14]) OJ C 24, 22.1.2021, p. 1.
([15]) https://ec.europa.eu/health/sites/health/files/preparedness_response/docs/covid-19_rat_common-list_en.pdf

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(29) Despite these common efforts, ***persons*** exercising their free movement right still face problems when trying to use a test result obtained in one Member State in another. These problems are often linked to the language in which the test result is issued, ▌to lack of trust in the authenticity of the document shown***, and to the costs of tests***.

(30) To improve the acceptance of test results carried out in another Member State when presenting such results for the purposes of exercising free movement, an interoperable test certificate should be established, containing the ***strictly*** necessary information to clearly identify the holder as well as the type, date and result of the test for SARS-CoV-2 infection. To ensure the reliability of the test result, only the results of NAAT tests and rapid antigen tests featured in the list established on the basis of Council Recommendation 2021/C 24/01 should be eligible for a test certificate issued on the basis of this Regulation. The common standardised set of data to be included in COVID-19 test result certificates agreed by the Health Security Committee on the basis of Council Recommendation 2021/C 24/01, in particular the preferred code standards, should form the basis for the technical specifications adopted for the purpose of this Regulation.

(31) Test certificates issued by Member States in compliance with this Regulation should be accepted by Member States requiring proof of a test for SARS-CoV-2 infection in ***order to waive*** restrictions to free movement put in place to limit the spread of COVID-19.

(31a) Antibodies to SARS-CoV-2 are produced either after a natural infection — either with or without a clinical disease — and after vaccination. While we do not have definitive data yet on the persistence of those antibodies after vaccination, there is abundant evidence that naturally induced antibodies are detectable for several months after the infection. Testing for antibodies therefore allows to identify persons who have been previously infected and who may have developed immune response and therefore have a very low likelihood to get infected again or infect others.

(32) According to existing evidence, persons who have recovered from COVID-19 can continue to test positive for SARS-CoV-2 for a certain period after symptom onset ([16]). Where such persons are required to undergo a test when seeking to exercise free movement, they may thus be effectively prevented from travelling despite no longer being infectious. ***For the purpose of facilitating*** free movement, and ***of ensuring*** that restrictions of free movement currently in place during the COVID-19 pandemic can be lifted in a coordinated manner based on the latest scientific evidence available, an interoperable certificate of recovery should be established, containing the necessary information to clearly identify the person concerned and the date of a previous positive test for SARS-CoV-2 infection. ▌According to ECDC, recent evidence shows that despite shedding of viable SARS-CoV-2 between ten and twenty days from the onset of symptoms, convincing epidemiological studies have failed to show onward transmission of disease after day ten. ***The precautionary principle should, however, still apply.*** The Commission should be empowered to change ***the validity*** period***, both the starting and ending points,*** on the basis of guidance from the Health Security Committee or from ECDC, which is closely studying the evidence base for the duration of acquired immunity after recovery. ***In addition, individuals should have the option to undergo a highly specific test for the spike antigen in case they are asymptomatic.***

(33) Already now, several Member States exempt recovered persons from certain restrictions to free movement within the Union. ▌Member States ***should*** accept proof of recovery in order to waive restrictions to free movement put in place, in compliance with Union law, to limit the spread of SARS-CoV-2, such as requirements to undergo quarantine/self-isolation or be tested for SARS-CoV-2 infection, ***and*** they should be required to accept, under the same conditions, valid certificates of recovery issued by other Member States in compliance with this Regulation. The eHealth Network, in collaboration with Health Security Committee, is also working on guidelines on recovery certificates and respective datasets.

(34) To be able to obtain a common position quickly, the Commission should be able to ask the Health Security Committee established by Article 17 of Decision No 1082/2013/EU of the European Parliament and of the Council ([17]) to issue guidance about the available scientific evidence concerning the effects of medical events documented in the certificates established in accordance with this Regulation, including the effectiveness and

([16]) https://www.ecdc.europa.eu/sites/default/files/documents/Guidance-for-discharge-and-ending-of-isolation-of-people-with-COVID-19.pdf

([17]) Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

duration of the immunity conferred by COVID-19 vaccines, whether vaccines prevent asymptomatic infection and transmission of the virus, the situation of people having recovered from the virus, and the impacts of the new SARS-CoV-2 variants on people having been vaccinated or already ***infected. Such information could also form the basis for Council Recommendations to enable a coordinated approach for lifting restrictions on the free movement of holders of certificates.***

(35) In order to ensure uniform conditions for the implementation of the trust framework certificates established by this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([18]).

(36) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the technical specifications necessary to establish interoperable certificates, imperative grounds of urgency so require or when new scientific evidence becomes available.

(37) Regulation (EU) 2016/679 of the European Parliament and of the Council ([19]) applies to the processing of personal data carried out when implementing this Regulation. This Regulation establishes the legal ground for the processing of personal data, within the meaning of Articles 6(1)(c) and 9(2)(g) of Regulation (EU) 2016/679, necessary for the issuance and verification of the interoperable certificates provided for in this Regulation. It ▌ does not regulate the processing of personal data related to the documentation of a vaccination, test or recovery event for other purposes, such as for the purposes of pharmacovigilance or for the maintenance of individual personal health records. The legal basis for processing for other purposes is to be provided for in national law, which must comply with Union data protection legislation.

(38) In line with the principle of minimisation of personal data, the certificates should only contain the personal data ***strictly*** necessary for the purpose of facilitating the exercise of the right to free movement within the Union during the COVID-19 pandemic. The specific categories of personal data and data fields to be included in the certificates should be set out in this Regulation.

(39) For the purposes of this Regulation, personal data ***do not need to be*** transmitted/exchanged across borders ▌. ***In line with the public-key infrastructure approach, only the public keys of the issuers need to be transferred or accessed across borders, which will be ensured by an interoperability gateway set up and maintained by the Commission.*** In particular, ***the presence of the certificate combined with the public key of the issuer*** should allow for the verification of the authenticity ***and integrity*** of the certificate ***and for the detection of fraud. In line with the principle of data protection by default, verification techniques not requiring transmission of personal data should be employed.***

(40) This Regulation ***prohibits retention of*** personal data obtained from the certificate by the Member State of destination or by ▌ cross-border passenger transport services operators ▌. ***This Regulation does not create a legal basis for the establishment of any repository of database at Member State or Union level or through the trust framework digital infrastructure.***

▌

(41a) Clear, comprehensive and timely communication to the public on the issuance, use and acceptance of each type of certificate making up the EU COVID-19 Certificate is crucial to ensure predictability for travel and legal certainty. The Commission should support the Member States' efforts in this regard, for example by making available the information provided by Member States on the 'Re-open EU' web platform.

(42) In accordance with Recommendation (EU) 2020/1475, any restrictions to the free movement of persons within the Union put in place to limit the spread of SARS-CoV-2 should be lifted as soon as the epidemiological situation allows. This also applies to obligations to present documents other than those required by Union law, in particular Directive 2004/38/EC, such as the certificates covered by this Regulation. ▌

([18]) OJ L 55, 28.2.2011, p. 13.

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

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(43) ***This Regulation should apply for 12 months from the date of its entry into force. Four months after the date of entry into force of this Regulation and at the latest 3 months before the end of its application,*** the Commission should ***present*** a report ***to the European Parliament and the Council on the application of this Regulation, including on its impact on free movement, fundamental rights, the protection of personal data, as well as an assessment of the most up-to-date vaccine and testing technologies, and uses by the Member States of the EU COVID-19 Certificate for purposes, based on national law, not provided for in this Regulation***.

(44) In order to take into account the epidemiological situation and the progress in containing the COVID-19 pandemic and to ensure interoperability with international standards, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the application of certain Articles of this Regulation ▌. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ([20]). 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.

(45) Since the objectives of this Regulation, namely to facilitate the free movement within the Union during the COVID-19 pandemic by establishing interoperable certificates on the holder's vaccination, testing and recovery status, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights ('Charter'), including the right to respect for private life and family life, the right to the protection of personal data, the right to equality before the law and non-discrimination, the right to free movement and the right to an effective remedy. Member States should comply with the Charter when implementing this Regulation.

(46a) As far as Member States decide to require national digital certificates for other purposes than free movement at a national level, those should be interoperable with the EU COVID-19 Certificate and respect its safeguards as defined in this Regulation, in particular to ensure non-discrimination between different nationalities, non-discrimination between different certificates, high standards of data protection and to avoid fragmentation.

(46b) Member States should not introduce restrictions to access to public services with respect to those who do not hold the certificates covered by this Regulation.

(46c) A list of all the entities foreseen to be acting as controllers, processors and recipients of the data in that Member State shall be made public within a period of one month after the date of entry into force of this Regulation in order to allow the Union citizens making use of the EU COVID-19 Certificate to know the identity of the entity to whom they may turn to for the exercise of their data protection rights under Regulation (EU) 2016/679, including in particular the right to receive transparent information on the ways in which data subject's rights may be exercised with respect to the processing of personal data.

(47) The European Data Protection Supervisor ***(EDPS) and the European Data Protection Board (EDPB) have*** been consulted pursuant to Article 42***(2)*** of Regulation (EU) 2018/1725 ([21]),

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([20]) OJ L 123, 12.5.2016, p. 1.

([21]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down a framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery ***for the purpose of facilitating*** the holders' exercise of their right to free movement during the COVID-19 pandemic ('***EU COVID-19 Certificate***').

It provides for the legal ground to process personal data necessary to issue such certificates and to process the information necessary to confirm and verify the authenticity and validity of such certificates ***in full compliance with Regulation (EU) 2016/679***.

It cannot be interpreted as establishing a direct or indirect right or obligation for persons to be vaccinated. **[Am. 9]**

This Regulation does not introduce or establish any additional formality or requirement for the exercise of the right to free movement or the right of entry in the territory of the Member States pursuant to Directive 2004/38/EC and Regulation (EU) 2016/399.

Article 2

Definitions

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

(1) 'holder' means the ***person*** to whom an interoperable certificate containing information about his or her vaccination, testing and/or recovery status has been issued in accordance with this Regulation.

(2) '***EU COVID-19 Certificate***' means interoperable certificates containing information about the vaccination, testing and/or recovery status of the holder issued in the context of the COVID-19 pandemic;

(3) 'COVID-19 vaccine' means an immunological medicinal product indicated for active immunisation ***against severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus that causes*** COVID-19;

(4) 'NAAT test' means a molecular nucleic acid amplification test (NAAT), such as reverse transcription polymerase chain reaction (RT-PCR), loop-mediated isothermal amplification (LAMP) and transcription-mediated amplification (TMA) techniques, used to detect the presence of the SARS-CoV-2 ribonucleic acid (RNA);

(5) 'rapid antigen test' means a testing method that relies on detection of viral proteins (antigens) using a lateral flow immunoassay that gives results in less than 30 minutes ***conducted by a trained healthcare professional or other trained operator***;

(5a) 'serology or antibody test' means a laboratory-based test performed on blood samples (serum, plasma, or whole blood) aiming to detect if a person has developed antibodies against SARS-CoV-2, thus indicating that the holder has been exposed to SARS-CoV-2 and has developed antibodies, regardless of whether he or she was symptomatic or not;

(6) 'interoperability' means the capability of verifying systems in a Member State to use data encoded by another Member State;

(7) 'barcode' means a method of storing and representing data in a visual, machine-readable format;

(8) 'electronic seal' means ***'advanced electronic seal' as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council*** [22], which is attached to ***and*** logically associated with other data in electronic form to ensure the latter's origin and integrity;

▌

(10) 'trust framework' means the rules, policies, specifications, protocols, data formats and digital infrastructure regulating and allowing for the reliable and secure issuance and verification of certificates to guarantee the certificates' trustworthiness by confirming their authenticity, validity and integrity, ▌by the ▌use of electronic seals ▌.

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[22] ***Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).***

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Article 3

***EU COVID-19** Certificate*

1. ***Without prejudice to Article 22 of Regulation (EU) 2016/399*** the interoperable ***EU COVID-19*** Certificate shall allow for the issuance and cross-border verification and acceptance of any of the following certificates:

(a) a certificate confirming that the holder has received a COVID-19 vaccine in the Member State issuing the certificate ('vaccination certificate');

(b) a certificate indicating the holder's result***, type*** and date of a NAAT test or a rapid antigen test listed in the common and updated list of COVID-19 rapid antigen tests established on the basis of Council Recommendation 2021/C 24/01 ([23]) ('test certificate');

(c) a certificate confirming that the holder has recovered from a SARS-CoV-2 infection following a positive NAAT test ***or having confirmation of an immune response against SARS-CoV-2 by means of a serology or antibody test, including the date of the first positive NAAT test or the date of serological testing for antibodies against SARS-CoV-2*** ('certificate of recovery').

The Commission shall publish the list of COVID-19 rapid antigen tests established on the basis of Council Recommendation 2021/C 24/01, including any updates.

2. Member States shall issue the certificates referred to in paragraph 1 in a digital ***and a*** paper-based format ▌. ***The prospective holders shall be entitled to receive the certificates in the format of their choice*** The certificates issued by Member States shall ***be user-friendly and*** contain an interoperable barcode allowing for the verification of the authenticity, validity and integrity of the certificate. The barcode shall comply with the technical specifications established in accordance with Article 8. The information contained in the certificates shall also be shown in human-readable form***, shall be accessible to persons with disabilities,*** and shall be, at least, in the official language or languages of the issuing Member State and English. **[Am. 15]**

3. The certificates referred to in paragraph 1 shall be issued free of charge. The holder shall be entitled to request the issuance of a new certificate if the personal data contained in the certificate is not or no longer accurate or up to date, ***including with regard to the vaccination, test or recovery status of the holder,*** or ***if*** the certificate is no longer available to the holder.

3a. The certificate shall include the following text: 'This certificate is not a travel document. The scientific evidence on COVID-19 vaccination, testing and recovery continues to evolve, also in view of new variants of concern of the virus. Before travelling, please check the applicable public health measures and related restrictions applied at the point of destination.'

The Member State shall provide the holder with clear, comprehensive and timely information on the use of the vaccination certificate, test certificate, and/or recovery certificate for the purposes of this Regulation.

3b. Possession of a EU COVID-19 Certificate shall not be a precondition to exercise free movement rights.

3c. Issuance of certificates pursuant to paragraph 1 shall not lead to differential treatment and discrimination based on vaccination status or the possession of a specific certificate referred to in Articles 5, 6 and 7. Member States shall ensure universal, accessible, timely and free of charge testing possibilities in order to guarantee the right to free movement inside the Union without discrimination on grounds of economic or financial possibilities.

4. Issuance of the certificates referred to in paragraph 1 shall not affect the validity of other proofs of vaccination, test or recovery issued before the entry into application of this Regulation or for other purposes, in particular for medical purposes.

4a. Union transport hubs, such as airports, ports, and railway and bus stations, where the certificates referred to in paragraph 1 are verified shall apply standardised and common criteria and procedures for their verification, on the basis of guidance developed by the Commission.

([23]) Council Recommendation on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU (2021/C 24/01) (OJ C 24, 22.1.2021, p. 1).

5. Where the Commission has adopted an implementing act pursuant to the second sub-paragraph, certificates issued in accordance with this Regulation by a third country with which the European Union and its Member States have concluded an agreement on free movement of persons allowing the contracting parties to restrict such free movement on grounds of public health in a non-discriminatory manner and which does not contain a mechanism of incorporation of European Union acts shall be accepted under the conditions referred to in Article 5(5).

The Commission shall assess whether such a third country issues certificates in accordance with this Regulation and has provided formal assurances that it will accept certificates issued by the Member States. In that case, it shall adopt an implementing act in accordance with the examination procedure referred to in Article 13(2).

6. The Commission ***shall*** ask the Health Security Committee established by Article 17 of Decision No 1082/2013/EU, ***the ECDC and the EMA*** to issue guidance on the available scientific evidence on the effects of medical events documented in the certificates referred to in paragraph 1.

6a. Member States shall make available sufficient resources to implement this Regulation, including to prevent, detect, investigate and prosecute fraud and illicit practices regarding the issuance and use of the EU COVID-19 Certificate.

Article 4

EU COVID-19 *Certificate trust framework*

1. The Commission and the Member States shall set up and maintain a trust framework digital infrastructure allowing for the secure issuance and verification of the certificates referred to in Article 3.

2. The trust framework shall ensure, where possible, interoperability with technological systems established at international level.

3. Where the Commission has adopted an implementing act pursuant to the second sub-paragraph, certificates issued by third countries to Union citizens and their family members, ***as well as to nationals or residents of Andorra, Monaco, San Marino and the Vatican/Holy See,*** according to an international standard and technological system that are interoperable with the trust framework established on the basis of this Regulation and that allows for the verification of the authenticity, validity and integrity of the certificate, and which contain the data set out in the Annex shall be treated like certificates issued by Member States in accordance with this Regulation, for the purpose of facilitating the holders' exercise of their right to free movement within the European Union. For the purposes of this sub-paragraph, the acceptance, by the Member States, of vaccination certificates issued by third countries shall take place under the conditions referred to in Article 5(5).

The Commission shall assess whether certificates issued by a third country fulfil the conditions set out in this paragraph. In that case, it shall adopt an implementing act in accordance with the examination procedure referred to in Article 13(2). ***The Commission shall also keep a publicly accessible register of those third countries that fulfil the conditions of issuing certificates within the meaning of this Regulation.***

Article 5

Vaccination certificate

1. Each Member State shall ***automatically*** issue vaccination certificates as referred to in Article 3(1)(a) to a person to whom a COVID-19 vaccine has been administered ▌.

2. The vaccination certificate shall contain the following categories of personal data:

(a) identification of the holder;

(b) information about the vaccine medicinal product administered ***and information about the number of doses and dates***;

(c) certificate metadata, such as the certificate issuer ▌.

The personal data shall be included in the vaccination certificate in accordance with the specific data fields set out in point 1 of the Annex.

The Commission is empowered to adopt delegated acts in accordance with Article 11 to amend point 1 of the Annex by ***modifying or removing data fields, or by*** adding data fields ***falling under the*** categories of personal data mentioned in ***points (b) and (c) of*** this paragraph.

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3. The vaccination certificate shall be issued in a secure and interoperable format as provided for in Article 3(2) and shall clearly indicate whether or not the vaccination course ***for that specific vaccine*** has been completed.

4. Where, in the case of newly emerging scientific evidence or to ensure interoperability with international standards and technological systems, imperative grounds of urgency so require, the procedure provided for in Article 12 shall apply to delegated acts adopted pursuant to this Article.

5. ▌Member States ***shall*** accept proof of vaccination in order to waive restrictions to free movement put in place, in compliance with Union law, to limit the spread of COVID-19, ***and*** they shall also accept, under the same conditions, valid vaccination certificates issued by other Member States in compliance with this Regulation for a COVID-19 vaccine having been granted marketing authorisation pursuant to Regulation (EC) No 726/2004.

Member States may also accept, for the same purpose, valid vaccination certificates issued by other Member States in compliance with this Regulation for ▌a COVID-19 vaccine having received a WHO Emergency Use Listing.

6. Where a Union citizen or a family member of a Union citizen ***or a national or resident of Andorra, Monaco, San Marino and the Vatican/Holy See,*** has been vaccinated in a third country with one of the types of COVID-19 vaccines referred to in paragraph 5 of this Article, and where the authorities of a Member State have been provided with all necessary information, including reliable proof of vaccination, they shall issue a vaccination certificate as referred to in Article 3(1)(a) to the person concerned.

Article 6

Test certificate

1. Each Member State shall ***automatically*** issue test certificates as referred to in Article 3(1)(b) to persons tested for COVID-19 ▌.

2. The test certificate shall contain the following categories of personal data:

(a) identification of the holder;

(b) information about the test carried out;

(c) certificate metadata, such as the certificate issuer ▌.

The personal data shall be included in the test certificate in accordance with the specific data fields set out in point 2 of the Annex.

The Commission is empowered to adopt delegated acts in accordance with Article 11 to amend point 2 of the Annex by ***modifying or removing data fields, or by adding data fields falling under the categories of personal data mentioned in points (b) and (c) of this paragraph***.

3. The test certificate shall be issued in a secure and interoperable format as provided for in Article 3(2).

4. Where, in the case of newly emerging scientific evidence or to ensure interoperability with international standards and technological systems, imperative grounds of urgency so require, the procedure provided for in Article 12 shall apply to delegated acts adopted pursuant to this Article.

5. ▌Member States ***shall accept*** proof of a ***negative*** test for SARS-CoV-2 infection i***n order to waive*** restrictions to free movement put in place, in compliance with Union law, to limit the spread of COVID-19, ***and*** they shall also accept valid test certificates issued by other Member States in compliance with this Regulation.

Article 7

Certificate of recovery

1. Each Member State shall issue, upon request, certificates of recovery as referred to in Article 3(1)(c) at the earliest from the eleventh day after a person has received his or her first positive test for SARS-CoV-2 infection***, or after submission of a subsequent negative NAAT test. It shall also be possible to issue a certificate of recovery through the detection of antibodies by a serological test.***

The Commission is empowered to adopt delegated acts in accordance with Article 11 to amend the number of days as of which a certificate of recovery may be issued based on guidance received from the Health Security Committee in accordance with Article 3(6) or on scientific evidence reviewed by ECDC.

The Commission is empowered to adopt delegated acts in accordance with Article 11 to establish and amend the types of serological tests for antibodies against SARS-CoV-2 in respect of which a certificate of recovery may be issued, based on scientific evidence reviewed by ECDC.

2. The certificate of recovery shall contain the following categories of personal data:

(a) identification of the holder;

(b) information about past SARS-CoV-2 infection ***documented by a positive NAAT test, or outcome of serology test;***

(c) certificate metadata, such as the certificate issuer ▌.

The personal data shall be included in the certificate of recovery in accordance with the specific data fields set out in point 3 of the Annex.

The Commission is empowered to adopt delegated acts in accordance with Article 11 to amend point 3 of the Annex by ***modifying or removing data fields,*** including until when a certificate of recovery shall be valid***, or by adding data fields falling under the categories of personal data mentioned in points (b) and (c) of this paragraph***.

3. The certificate of recovery shall be issued in a secure and interoperable format as provided for in Article 3(2).

4. Where, in the case of newly emerging scientific evidence or to ensure interoperability with international standards and technological systems, imperative grounds of urgency so require, the procedure provided for in Article 12 shall apply to delegated acts adopted pursuant to this Article.

5. ▌Member States ***shall*** accept proof of recovery from SARS-CoV-2 infection as a basis for waiving restrictions to free movement put in place, in compliance with Union law, to limit the spread of COVID-19, ***and*** they shall accept, under the same conditions, valid certificates of recovery issued by other Member States in compliance with this Regulation.

Article 8

Technical specifications

To ensure uniform conditions for implementation of the trust framework established by this Regulation, the Commission shall adopt implementing acts containing the technical specifications and rules to:

(a) securely issue and verify the certificates referred to Article 3;

(b) ensure the security of the personal data, taking into account the nature of the data;

(c) populate the certificates referred to Article 3, including the coding system and any other relevant elements;

▌

(e) issue a valid, secure and interoperable barcode;

(f) ensure interoperability with international standards and/or technological systems;

(g) allocate responsibilities amongst controllers and as regards processors ***in accordance with Chapter IV of Regulation (EU) 2016/679;***

(ga) establish processes for a regular testing, assessment and evaluation of the effectiveness of the data protection and security measures adopted;

(gb) ensure accessibility for persons with disabilities to the human-readable information contained in the digital certificate and in the paper-based certificate, in line with Union harmonised accessibility requirements. **[Am. 16]**

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2). ***When the envisaged implementing act concerns the processing of personal data, the Commission shall consult the EDPS, and, where applicable, may consult the EDPB.***

On duly justified imperative grounds of urgency, in particular to ensure a timely implementation of the trust framework, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 13(3).

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The trust framework shall be based on a public key infrastructure to verify the integrity of the EU COVID-19 Certificates and the authenticity of the electronic seals. The trust framework shall allow for detection against fraud, in particular forgery, and shall ensure that the verification of EU COVID-19 Certificates and electronic seals does not inform the issuer about the verification.

Article 8a

National digital certificates and interoperability with the EU COVID-19 Certificate trust framework

Where a Member State has adopted or adopts a national digital certificate for purely domestic purposes, it shall ensure that it is fully interoperable with the EU COVID-19 Certificate trust framework. The same safeguards as in this Regulation shall apply.

Article 8b

Further use of the EU COVID-19 Certificate framework

Where a Member State seeks to implement the EU COVID-19 Certificate for any possible use other than the intended purpose of facilitating free movement between Member States, that Member State shall create a legal basis under national law, complying with the principles of effectiveness, necessity, and proportionality, including specific provisions clearly identifying the scope and extent of the processing, the specific purpose involved, the categories of entities that can verify the certificate as well as the relevant safeguards to prevent discrimination and abuse, taking into account the risks to the rights and freedoms of data subjects. No data shall be retained in the context of the verification process. **[Am. 12]**

Article 9

Protection of personal data

1. ***Regulation (EU) 2016/679 shall apply to the processing of personal data carried out when implementing this Regulation.*** The personal data contained in the certificates issued in accordance with this Regulation shall be processed ***only*** for the purpose of ▌ verifying the information included in the certificate in order to facilitate the exercise of the right of free movement within the Union ***as provided for in this Regulation and until it ceases to apply***.

2. The personal data included in the certificates referred to in Article 3 shall be processed by the competent authorities of the Member State of destination, or by the cross-border passenger transport services operators required by national law to implement certain public health measures during the COVID-19 pandemic, ***only*** to confirm and verify the holder's vaccination, testing or recovery status. For this purpose, the personal data shall be limited to what is strictly necessary. The personal data accessed pursuant to this paragraph shall not be retained ***or processed by the verifier for other purposes. A separate independent certificate shall be issued for each vaccination, test or recovery, and no history of the previous certificates of the holder shall be stored on the certificate.***

3. The personal data processed for the purpose of issuing the certificates referred to in Article 3, including the issuance of a new certificate, shall not be retained ***by the issuer*** longer than is ***strictly*** necessary for its purpose and in no case longer than the period for which the certificates may be used to exercise the right to free movement, ***after which the personal data shall be erased immediately and irrevocably. There shall be no centralised processing or retention of the personal data included in the certificate at Member State or Union level.***

4. The authorities ***or other designated bodies*** responsible for issuing the certificates referred to in Article 3 shall be considered as controllers referred to in Article 4(7) of Regulation (EU) 2016/679. ***By … [one month after the date of entry into force of this Regulation], the Member States shall make public the entities foreseen to be acting as controllers, processors and recipients of the data and communicate this information to the Commission and any modifications thereto regularly after that date. By … [two months after the date of entry into force of this Regulation], the Commission shall publish the collected information in a publicly accessible list and keep that public list up to date.***

5. The data controllers and processors shall take adequate technical and organisational measures to ensure a level of security appropriate to the risk of the processing.

6. Where a controller referred to in paragraph 4 enlists a processor, in application of Article 28(3) of Regulation (EU) 2016/679, no transfer of personal data by the processor to a third country may take place.

Article 10

EU COVID-19 Certificate and travel restrictions

Member States shall not introduce and implement additional travel restrictions such as quarantine, self-isolation or a test for SARS-CoV-2 infection, or any discriminatory measures for holders of certificates referred to in Article 3, upon the introduction of the EU COVID-19 Certificate.

Article 11

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 5(2), 6(2), 7(1) ***and*** 7(2) ▌ shall be conferred on the Commission for ***a*** period of ***12 months*** from [date of entry into force].

3. The delegation of power referred to in Articles 5(2), 6(2), 7(1) ***and*** 7(2) ▌ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. ***When such a delegated act concerns the processing of personal data, the Commission shall consult the EDPS and, where applicable, may consult the EDPB.***

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 5(2), 6(2), 7(1) ***and*** 7(2) ▌ shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 12

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 11(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

Article 13

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

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Article 14

Reporting

1. By … [4 months after the date of entry into force of this Regulation], the Commission shall present a report to the European Parliament and the Council on the application of this Regulation.

▌

2. The report shall ***include an assessment of the impact of this Regulation on free movement, including on travel and tourism, on fundamental rights and in particular non-discrimination, on the protection of personal data, as well as information on the most up to date vaccine and testing technologies, based, inter alia, on information provided by the ECDC. The report shall also include an assessment of uses by the Member States of the EU COVID-19 Certificate for purposes, based on national law, not provided for in this Regulation.***

3. At the latest three months before the end of the application of this Regulation, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation. This report shall carry out an assessment in accordance with paragraph 2. It may be accompanied by legislative proposals, in particular to extend the date of application of this Regulation, taking into account the evolution of the epidemiological situation and based on the principles of necessity, proportionality and effectiveness.

Article 15

Entry into force and applicability

1. This Regulation shall enter into force on ***and apply from*** the ▌ day following that of its publication in the *Official Journal of the European Union*.

2. The Regulation shall cease to apply 12 months from … [date of entry into force of this Regulation].

▌

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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ANNEX

Certificate datasets

1. Data fields to be included in the vaccination certificate:

(a) name: surname(s) and forename(s), in that order;

(b) date of birth;

(c) disease or agent targeted ***be it COVID-19 or SARS-CoV-2 or one of its variants***;

(d) vaccine/prophylaxis;

(e) vaccine medicinal product;

(f) vaccine marketing authorization holder or manufacturer;

(g) number in a series of vaccinations/doses;

(h) date of vaccination, indicating the date of ***each dose received and of*** the latest dose received;

(i) Member State of vaccination;

(j) certificate issuer;

(k) ▌ certificate ***valid until (not more than [1 year] after the date of vaccination)***;

2. Data fields to be included in the test certificate:

(a) name: surname(s) and forename(s), in that order;

(b) date of birth;

(c) disease or agent targeted***, be it COVID-19 or SARS-CoV-2 or one of its variants***;

(d) the type of test;

(e) ***the type of sample (e.g. nasopharyngeal; oropharyngeal)***;

(f) test name (optional for NAAT test);

(g) test manufacturer (optional for NAAT test);

(h) date and time of the test sample collection;

(i) date and time of the test result production (optional for rapid antigen test);

(j) result of the test;

(k) testing centre or facility;

(l) Member State of test;

(m) certificate issuer;

(n) certificate valid until (not more than [72 hours] from the sample collection for NAAT test and [24 hours] from the sample collection for rapid antigen test);

3. Data fields to be included in the certificate of recovery:

(a) name: surname(s) and forename(s), in that order;

(b) date of birth;

(c) ***disease or agent, be it COVID-19 or SARS-CoV-2 or one of its variants, from which the citizen has recovered;***

(d) disease or agent the citizen has recovered from;

(e) date of first positive **NAAT** test result;

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(f) ***date of the serological or antibody test***;

(g) Member State of test;

(h) certificate issuer;

(i) certificate valid from;

(j) certificate valid until (not more than ***[90*** days] after the date of first positive test result).

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P9_TA(2021)0146

Digital Green Certificate — third country nationals

Amendments adopted by the European Parliament on 29 April 2021 on the proposal for a regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate) (COM(2021)0140 — C9-0100/2021 — 2021/0071(COD)) [1]

(Ordinary legislative procedure: first reading)

[Amendment 1, unless otherwise indicated]

(2021/C 506/41)

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

REGULATION (EU) 2021/… OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (*EU COVID-19* Certificate)

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 77(2)(c)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) Under the Schengen acquis, third country nationals lawfully residing in the Union and third country nationals who have legally entered the territory of a Member State may move freely within the territories of all other Member States during a period of 90 days in any 180-day period.

(2) On 30 January 2020, the Director-General of the World Health Organization ('WHO') declared a public health emergency of international concern over the global outbreak of severe acute respiratory syndrome coronavirus 2 (*SARS-CoV-2*), which causes coronavirus disease 2019 (COVID-19). On 11 March 2020, the WHO made the assessment that COVID-19 can be characterized as a pandemic.

(3) To limit the spread of the virus, the Member States have adopted various measures, some of which have had an impact on travel to and within the territory of the Member States, such as restrictions on entry or requirements for cross-border travellers to undergo quarantine. ***Such restrictions have detrimental effects on citizens and businesses, especially cross-border workers and commuters or seasonal workers.***

(4) On 13 October 2020, the Council adopted Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic [1].

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[1] The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph.

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

[1] OJ L 337, 14.10.2020, p. 3.

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(5) On 30 October 2020, the Council adopted Council Recommendation (EU) 2020/1632 ([2]) on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area, in which it recommended Member States that are bound by the Schengen *acquis* to apply the principles, common criteria, common thresholds and common framework of measures, set out in Council Recommendation (EU) 2020/1475.

(6) Many Member States have launched or plan to launch initiatives to issue vaccination certificates. However, for these to be used effectively in connection with cross-border travel within the Union, such ***vaccination*** certificates need to be fully interoperable, ***compatible,*** secure and verifiable. A commonly agreed approach is required among Member States on the content, format, principles, technical standards ***and level of protection*** of such certificates.

(7) Already now, several Member States exempt vaccinated persons from certain ▌restrictions ***to free movement within the Union***. ▌Member States ***should*** accept proof of vaccination in order to waive ▌restrictions ***to free movement*** put in place, in compliance with Union law, to limit the spread of COVID-19, such as requirements to undergo quarantine/self-isolation or be tested for SARS-CoV-2 infection, ***and*** they should be required to accept, under the same conditions, valid vaccination certificates issued by other Member States in compliance with ***this*** Regulation ▌. This acceptance should take place under the same conditions, meaning that, for example, where a Member State considers ***sufficient*** a single dose of ***a*** vaccine ***administered***, it should do so also for holders of a vaccination certificate indicating a single dose of the same vaccine. On grounds of public health, this obligation should be limited to persons having received COVID-19 vaccines having been granted marketing authorisation pursuant to Regulation (EC) No 726/2004 ***or vaccines having received a WHO Emergency Use Listing***. ▌Regulation (EU) No 2021/xxxx of xx xx 2021 lays down a framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic. It applies to Union citizens and third-country nationals who are family members of Union citizens.

(8) In accordance with Articles 19, 20 and 21 of the Convention implementing the Schengen Agreement, the third-country nationals covered by these provisions may travel freely within the territories of the other Member States.

(9) ***Without prejudice to the common measures on the crossing of internal borders by persons as laid down in the Schengen acquis, in particular in Regulation (EU) 2016/399, and for the purpose of facilitating*** travel within the territories of the Member States by third country nationals who have the right to such travel, the framework for the issuance, verification and acceptance of interoperable certificates on COVID-19 vaccination, testing and recovery established by Regulation (EU) No 2021/xxxx should also apply to third-country nationals who are not already covered by that Regulation, provided that they are legally staying or legally residing in the territory of a Member State and are entitled to travel to other Member States in accordance with Union law.

(10) For certificates to be used effectively in connection with cross-border travel, such certificates need to be fully interoperable. ***All Union transport hubs, such as airports, ports, railway and bus stations, where the certificate is being verified, should apply standardised and common criteria and procedures for the verification of the EU COVID-19 certificate on the basis of guidance developed by the Commission.***

(11) This Regulation ***is intended to facilitate the application of the principles of proportionality and non-discrimination with regard to possible restrictions to free movement and other fundamental rights as a result of the pandemic, while pursuing a high level of public health protection and*** should not be understood as facilitating or encouraging the adoption of travel restrictions to free movement, or other fundamental rights, in response to the pandemic. In addition, any need for verification of certificates established by Regulation (EU) 2021/xxx cannot as such justify the temporary reintroduction of border controls at internal borders. Checks at internal borders should remain a measure of last resort, subject to specific rules set out in Regulation (EU) 2016/399 (Schengen Borders Code) ([3]).

([2]) Council Recommendation (EU) 2020/1632 of 30 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area (OJ L 366, 4.11.2020, p. 25).

([3]) 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 (OJ L 77, 23.3.2016, p. 1).

(12) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of the said Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it.

(13) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ([4]); Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application. Although Ireland is not subject to this Regulation, for the purposes of facilitating travel within the Union, Ireland could also issue certificates, which comply with the same requirements as those applicable to the ***EU COVID-19*** Certificate, to third-country nationals legally residing or legally staying in its territory and Member States could accept such certificates. Ireland could also accept certificates issued by Member States to third country nationals legally residing or legally staying in their territories.

(14) As regards Bulgaria, Croatia, Cyprus and Romania, this Regulation constitutes a development of the Schengen acquis within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.

(15) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, point C, of Council Decision 1999/437/EC ([5]).

(16) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ([6]).

(17) As regards Liechtenstein, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1 point C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ([7]).

(18) The European Data Protection Supervisor and the European Data Protection Board have been consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([8]) and delivered an opinion on […],

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([4]) Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

([5]) Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

([6]) Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

([7]) Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

([8]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAVE ADOPTED THIS REGULATION:

Article 1

Member States shall apply the rules laid down in Regulation (EU) 2021/XXXX [Regulation on a ***EU COVID-19*** Certificate] to those third country nationals who do not fall within the scope of that Regulation but who reside or stay legally in their territory and are entitled to travel to other Member States in accordance with Union law.

Article 2

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

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

Thursday 29 April 2021

P9_TA(2021)0149

Union Anti-Fraud Programme 2021-2027 ***II

European Parliament legislative resolution of 29 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the Union Anti-Fraud Programme and repealing Regulation (EU) No 250/2014 (05330/1/2021 — C9-0108/2021 — 2018/0211(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/42)

The European Parliament,

— having regard to the Council position at first reading (05330/1/2021 — C9-0108/2021),

— having regard to the opinion of the Commission ((COM(2021)0149),

— having regard to its position at first reading [1] on the Commission proposal to Parliament and the Council (COM(2018)0386),

— 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 Budgetary Control (A9-0126/2021),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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[1] Text adopted of 12.2.2019, P8_TA(2019)0068.

Thursday 29 April 2021

P9_TA(2021)0150

Rail passengers' rights and obligations ***II

European Parliament legislative resolution of 29 April 2021 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 rail passengers' rights and obligations (recast) (12262/1/2020 — C9-0011/2021 — 2017/0237(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/43)

The European Parliament,

— having regard to the Council position at first reading (12262/1/2020 — C9-0011/2021),

— having regard to the opinion of the European Economic and Social Committee of 18 January 2018 [1],

— after consulting the Committee of the Regions,

— having regard to its position at first reading [2] on the Commission proposal to Parliament and the Council (COM(2017)0548),

— 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 Transport and Tourism (A9-0045/2021),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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[1] OJ C 197, 8.6.2018, p. 66.
[2] OJ C 363, 28.10.2020, p. 296.

Thursday 29 April 2021

P9_TA(2021)0151

European Defence Fund ***II

European Parliament legislative resolution of 29 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the European Defence Fund and repealing Regulation (EU) 2018/1092 (06748/1/2020 — C9-0112/2021 — 2018/0254(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/44)

The European Parliament,

— having regard to the Council position at first reading (06748/1/2020 — C9-0112/2021),

— having regard to the opinion of the European Economic and Social Committee of 12 December 2018 [1],

— having regard to its position at first reading [2] on the Commission proposal to Parliament and the Council (COM(2018)0476),

— 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 Industry, Research and Energy (A9-0120/2021),

1. Approves the Council position at first reading;

2. Notes that the act is adopted in accordance with the Council position;

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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[1] OJ C 110, 22.3.2019, p. 75.
[2] Text adopted of 18.4.2019, P8_TA(2019)0430.

Thursday 29 April 2021

P9_TA(2021)0152

Digital Europe programme ***II

European Parliament legislative resolution of 29 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (06789/1/2020 — C9-0109/2021 — 2018/0227(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/45)

The European Parliament,

— having regard to the Council position at first reading (06789/1/2020 — C9-0109/2021),

— having regard to the opinion of the European Economic and Social Committee of 17 October 2018 ([1]),

— having regard to the opinion of the Committee of the Regions of 5 December 2018 ([2]),

— having regard to its position at first reading ([3]) on the Commission proposal to Parliament and the Council (COM(2018)0434),

— 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 Industry, Research and Energy (A9-0119/2021),

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. 292.
([2]) OJ C 86, 7.3.2019, p. 272.
([3]) Texts adopted of 17.4.2019, P8_TA(2019)0403.

Thursday 29 April 2021

P9_TA(2021)0153

Programme for the environment and climate action (LIFE) 2021-2027 ***II

European Parliament legislative resolution of 29 April 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013 (06077/1/2020 — C9-0110/2021 — 2018/0209(COD))

(Ordinary legislative procedure: second reading)

(2021/C 506/46)

The European Parliament,

— having regard to the Council position at first reading (06077/1/2020 — C9-0110/2021),

— having regard to the opinion of the European Economic and Social Committee of 18 October 2018 ([1]),

— having regard to the opinion of the Committee of the Regions of 9 October 2018 ([2]),

— having regard to its position at first reading ([3]) on the Commission proposal to Parliament and the Council (COM(2018)0385),

— 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 the Environment, Public Health and Food Safety (A9-0130/2021),

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. 226.
([2]) OJ C 461, 21.12.2018, p. 156.
([3]) Texts adopted of 17.4.2019, P8_TA(2019)0405.

Thursday 29 April 2021

P9_TA(2021)0154

Administrative cooperation in the field of excise duties: content of electronic registers *

European Parliament legislative resolution of 29 April 2021 on the proposal for a Council regulation amending Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties as regards the content of electronic registers (COM(2021)0028 — C9-0016/2021 — 2021/0015(CNS))

(Special legislative procedure — consultation)

(2021/C 506/47)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2021)0028),

— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0016/2021),

— having regard to Rule 82 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A9-0121/2021),

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.

Thursday 29 April 2021

P9_TA(2021)0158

Parliament's estimates of revenue and expenditure for the financial year 2022

European Parliament resolution of 29 April 2021 on Parliament's estimates of revenue and expenditure for the financial year 2022 (2020/2264(BUI))

(2021/C 506/48)

The European Parliament,

— having regard to Article 314 of the Treaty on the Functioning of the European Union,

— 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 39 thereof,

— having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 ([2]), and to the joint declarations agreed between Parliament, the Council and the Commission in this context ([3]), as well as to the related unilateral declarations ([4]),

— having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources ([5]),

— having regard to Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union ([6]),

— having regard to its resolution of 14 May 2020 on Parliament's estimates of revenue and expenditure for the financial year 2021 ([7]),

— having regard to its resolution of 12 November 2020 on the Council position on the draft general budget of the European Union for the financial year 2021 ([8]),

— having regard to its resolution of 18 December 2020 on the Council position on the second draft general budget of the European Union for the financial year 2021 ([9]),

— having regard to its resolution of 26 October 2017 on combatting sexual harassment and abuse in the EU ([10]),

— 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 ([11]),

— having regard to its resolution of 15 January 2019 on gender mainstreaming in the European Parliament ([12]),

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([1]) OJ L 193, 30.7.2018, p. 1.
([2]) OJ L 433 I, 22.12.2020, p. 11.
([3]) OJ C 444 I, 22.12.2020.
([4]) Texts adopted, P9_TA(2020)0357, Annex II.
([5]) OJ L 433 I, 22.12.2020, p. 28.
([6]) OJ L 287, 29.10.2013, p. 15.
([7]) Texts adopted, P9_TA(2020)0123.
([8]) Texts adopted, P9_TA(2020)0302.
([9]) Texts adopted, P9_TA(2020)0385.
([10]) OJ C 346, 27.9.2018, p. 19.
([11]) Texts adopted, P8_TA(2018)0331.
([12]) Texts adopted, P8_TA(2019)0010.

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— having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'A Union of Equality: Gender Equality Strategy 2020-2025' (COM(2020)0152),

— having regard to the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal (COM(2019)0640), in particular its paragraph 2.1.4 on 'Building and renovating in an energy and resource efficient way',

— having regard to the EMAS Mid-Term Strategy 2024 adopted by the Steering Committee for Environmental Management Brussels on 15 December 2020,

— having regard to the study: The European Parliament's carbon footprint — Towards carbon neutrality ([13]),

— having regard to the Special Report No 14/2014 of the European Court of Auditors: How do the EU institutions and bodies calculate, reduce and offset their greenhouse gas emissions? ([14]),

— having regard to the additionality requirements in Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (Renewable Energy Directive), in particular its Recital 90 and Article 27,

— having regard to its resolution of 17 September 2020 on maximising the energy efficiency potential of the EU building stock ([15]),

— having regard to Energy Performance of Buildings Directive ([16]) and the Energy Efficiency Directive ([17]),

— having regard to Statement by the European Parliament, the Council and the Commission on the exemplary role of their buildings in the context of the Energy Efficiency Directive ([18]);

— having regard to the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on Sustainable and Smart Mobility Strategy — putting European transport on track for the future (COM(2020)0789), in particular its paragraph 9 on collective travel,

— having regard to the Secretary-General's report to the Bureau on drawing up Parliament's preliminary draft estimates for the financial year 2022,

— having regard to the preliminary draft estimates drawn up by the Bureau on 8 March 2021 pursuant to Rules 25(7) and 102(1) of Parliament's Rules of Procedure,

— having regard to the draft estimates drawn up by the Committee on Budgets pursuant to Rule 102(2) of Parliament's Rules of Procedure,

— having regard to Rule 102 of its Rules of Procedure,

— having regard to the report of the Committee on Budgets (A9-0145/2021),

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([13]) https://www.europarl.europa.eu/RegData/etudes/STUD/2020/652735/IPOL_STU(2020)652735_EN.pdf
([14]) OJ C 364, 15.10.2014, p. 3.
([15]) Texts adopted, P9_TA(2020)0227.
([16]) Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).
([17]) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).
([18]) Texts adopted, P7_TA(2012)0306.

A. whereas the continued increase of the importance of Parliament as a co-legislator, one arm of the budgetary authority, with powers of scrutiny and a promoter of European democracy, including in the context of the European response to the COVID-19 pandemic and pursuant to the Joint declaration of the European Parliament, the Council and the Commission on budgetary scrutiny of new proposals based on Article 122 TFEU with potential appreciable implications for the Union budget ([19]), has highlighted the continued need to equip the Parliament with appropriate legislative know-how and financial resources to ensure the quality of legislative and scrutiny work and to communicate on its results; whereas the credibility of Parliament and its Members in the eyes of European citizens depends on Parliament's own ability to plan and conduct its spending prudently and efficiently and in a justified manner in order to reflect the prevalent economic realities;

B. whereas the Commission estimates in its winter forecast that GDP shrunk by 6,9 % in 2020 and predicts that it will not recover to the level of 2019 before 2023; whereas the estimates adopted by Parliament represented an increase of 2,68 % for 2020 and an increase of 2,54 % for 2021;

C. whereas the budget proposed by the Secretary-General for Parliament's preliminary draft estimates for 2022 represents an increase of 3,31 %, well above the rate of inflation;

D. whereas Parliament saw an overall cut of 6 % in its staff during the period of the previous MFF, which was sustained mainly by its administration, while at the same time, since the adoption of the Lisbon Treaty, Parliament has been dealing with an increased number of legislative files as co-legislator and has increasing activities linked to Next Generation EU; whereas it is highly concerned about the unsustainable workload for many specialised committee secretariats and political groups;

E. whereas the European Green Deal aims to achieve its ambitious climate targets without compensation (offsetting) of its greenhouse gas emissions through international credits;

F. whereas a decision on the future of the Paul-Henri Spaak building is expected to be taken most likely in 2021 based on the outcome of a competition by the Bureau, meaning a significant spending increase in a crisis context; and whereas the Spaak building should meet the highest environmental and safety standards;

G. whereas the voluntary pension fund was established in 1990 by the Bureau's Rules governing the additional (voluntary) pension scheme ([20]); whereas, at its meeting of 10 December 2018, the Bureau decided to modify the rules applicable to the pension fund by raising the retirement age from 63 to 65 and by introducing a 5 % levy on pension payments for future retirees to improve the viability of such payments; whereas it is estimated those changes to the rules reduced the actuarial deficit by EUR 13,3 million;

General framework

1. Recalls that the largest part of Parliament's budget is fixed by statutory or contractual obligations; notes that 55 % of the budget is subject to salary indexation in line with the Staff Regulations and Statute for Members of the European Parliament; recalls that the salary indexation currently forecasted by the Commission for July 2021 and 2022 amounts to 2,9 % and 2,5 % respectively accounting for a EUR 31,9 million increase in 2022;

2. Endorses the agreement reached in the Conciliation between the Bureau and the Committee on Budgets on 14 April 2021 to set the increase of the 2021 budget at 2,4 %, corresponding to an overall level of estimates of EUR 2 112 904 198 for 2022, to decrease the level of expenditure of the preliminary draft estimates approved by the Bureau on 8 March 2021 by EUR 18,85 million and to reduce accordingly the appropriations proposed on the following budget lines:

1004 01 — Ordinary travel expenses: sessions, committees or their delegations, political groups and miscellaneous; 1405 01 — Expenditure on interpretation: external interpretation; 2007 01 — Construction of buildings and fitting-out of premises; 2022 — Building maintenance, upkeep, operation and cleaning; 2024 — Energy consumption; 2120 01: Furniture: purchase, rental, renewal, maintenance and repair of furniture; 2140: Technical equipment and installations; 3000 — Expenses for staff missions and duty travel between the three places of work; 3040 — Miscellaneous expenditure on internal meetings; 3042 — Meetings, congresses, conferences and delegations; 3210 09: Expenditure on European parliamentary research services, including the Library, the Historical Archives, scientific and technological options assessment (STOA) and the European Science Media Hub: expenditure for the European Science Media Hub; 3243 01:

([19]) OJ C 444 I, 22.12.2020, p. 5.
([20]) Texts adopted by the Bureau, PE 113.116/BUR./rev. XXVI/ 01-04-2009.

European Parliament visitors' centres: Parlamentarium and 'Europa Experience'; 3244 01: Organisation and reception of groups of visitors, Euroscola programme and invitations to opinion multipliers from third countries: reception costs and subsidies for visitors' groups; 4220 02: Expenditure relating to parliamentary assistance: salaries and allowances of accredited assistants — Statute for Members; 4220 04: Expenditure relating to parliamentary assistance: expenses for missions and duty travel between the three places of work and external training of accredited assistants — Statute for Members;

3. Strongly supports an increase of 76 posts for the political groups and of 66 posts in the committee secretariats to accommodate proportionately the enhanced workload and implement the Union's policies; in parallel, calls on the Bureau to make use of possible synergies in order to increase efficiency within the administration, and to analyse how digitization and new ways of working help streamline the directorates and allow for transfer of posts towards the committee secretariats; calls on the Bureau to also examine the adequacy of the Members' parliamentary assistance allowance in light of the growing workload of Members and their staff;

4. Stresses that Parliament's 2022 budget must be realistic and accurate to avoid over-budgeting; takes note of the ongoing practice of the year-end 'mopping-up transfer' to contribute to building projects; notes that such 'mopping-up transfer' takes place systematically on the same chapters, titles and often on exactly the same budgetary lines; considers that such a practice risks being perceived as a programmed over-budgeting; asks that, prior to the next 'mopping-up transfer', a reflection be launched on the financing of key investments based on transparency;

Greening the Parliament

5. Stresses that Parliament needs to be at the forefront of adopting more digital, flexible and energy-efficient working methods and meeting practices, learning from the experiences of the COVID-19 pandemic and capitalising on the technology investments already implemented; calls, in this context, for a comprehensive and ambitious review of how Members, staff and officials conduct their parliamentary work; considers that such a review should have as its main focus the effective and good functioning of the institution and should also assess the effect of remote and hybrid settings on meeting quality, while avoiding excessively generalising measures meant to cope with exceptional circumstances;

6. Welcomes the Parliament's environmental management system (EMAS) targets for 2024; recalls that the EMAS Mid-term strategy 2024 includes a review clause to increase environmental ambition on the basis of the performance observed; calls on the Parliament to re-evaluate its EMAS targets in light of the COVID-19 pandemic in 2022 and to reassess upwards the targets adopted in 2019 for the key performance indicators; reiterates its call to amend its current CO2 reduction plan for reaching carbon neutrality by 2030, using an internal carbon price;

7. Recognises that nearly two thirds of Parliament's carbon footprint originate from the transportation of people; calls for a reasonable decrease of travel for meetings that can be effectively conducted remotely or in hybrid mode and to promote a shift to low carbon alternatives for all remaining travel, provided that this does not affect the quality of legislative and political work;

8. Calls for the expansion of voluntary teleworking to more days and functions; calls for a preference to be given to hybrid meetings or fully remote meetings when they do not involve political decision making, such as hearings and exchanges of views or internal and preparatory meetings, while acknowledging that physical presence is more efficient for political negotiations, including for the provision of interpretation and for remote interpretation whenever needed; calls upon the Secretary-General to establish, following COVID-19 business continuity measures, a new flexible framework for the provision of remote interpretation for the post-COVID era; notes that excessive time spent with digital tools may have negative effects on some persons' well-being; calls for a revision of mission rules by the end of 2022 to ensure a proper needs-based approval, a specific justification for the authorisation of all missions, requirements for low carbon transport modes without hindering Members in the fulfilment of their mandate and the exclusion of the most harmful modes of transport with the exception of extreme cases where alternative transport modes for long journeys or towards areas that are difficult to access would disrupt the balance between the environmental target and the efficiency of parliamentary work; expects fully remote preparatory meetings and post-mission debriefings for all official delegation visits as a condition for authorisation, and the limiting of authorisation of delegations to only those persons who are entitled to participate in such delegations from 2022; calls for the Bureau to ensure that extraordinary committee meetings in Strasbourg are strictly limited to exceptional circumstances and that they are required to be duly justified before they are approved in each individual case;

9. Encourages Members to use low carbon transport alternatives; reiterates its call to revise the implementing measures of the Statute for Members so as to allow reimbursement of flexible economy airline tickets when travelling within the Union, exempting flights to and from outermost regions and flights with one stop-over or more or longer than four hours of duration; takes note that travel for some Members from their constituencies to the places of work of Parliament requires long journeys and can only be undertaken by plane;

10. Calls for improvement of bike, cargo bike, e-bike and e-scooter infrastructure on Parliament's premises, in particular through the installation of easy-to-use and secure parking and bicycle repair stations; calls for the Parliament to closely collaborate with the relevant local authorities and in particular, the Brussels Region in its efforts to be a frontrunner in sustainable urban mobility by taking a proactive role in the implementation of the GoodMove Plan; calls for the expansion of the service bike scheme within Parliament; calls for specific measures to encourage active mobility among Parliament's staff, including specific training activities concerning safe commuting, maintenance and repair; calls for a cargo bike pilot scheme for certain logistical processes within Parliament and between Union institution buildings;

11. Encourages Parliament's staff to use public transport and calls for a system combining subsidised public transport passes for staff, excluding entitlement to a second parking vignette, by 2022; expects official cars to be used to transport Members and staff and APAs with mission orders between Brussels and Strasbourg; calls for an appropriate increase in the number of car parking spaces reserved exclusively for electric vehicles and an overview of the overall number of parking spaces in line with the applicable legislation at the three places of work;

12. Expects all visitors groups to be informed by the Parliament services about the environmental impact of their transport and that a system of incentive reimbursement of travel costs based on environmental impact is established in 2022; requests the Bureau to start the revision process of the rules related to visitors groups in line with Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on Sustainable and Smart Mobility Strategy — putting European transport on track for the future (COM(2020)0789), in particular paragraph 9 of that Communication, on collective travel, and to adapt the travel costs for visitors groups to changing market prices and to allow for modifications in order to avoid market fluctuation of travel expenses creating indirect geographical discrimination for visitors;

13. Calls upon the Administration to monitor the continued energy cost increases forecast for 2022 and to explore cost savings and consumption efficiencies; calls for a halt to upgrading of fossil fuel heating installations and for a roadmap to phase out fossil fuels with specific milestones to be adopted in 2022 to avoid stranded assets and for an analysis of the effectiveness and efficiency of using heat pump systems and other relevant technologies in line with EMAS objectives; calls on Parliament to further increase the share of renewable energy in its energy mix and in particular energy production and expects the installation of state of the art rooftop photovoltaic panels to match the maximum potential for such panels in Brussels by 2023; calls in parallel for the gradual replacement of Guarantees of Origin procurement with local renewable energy sources;

14. Expects the Parliament's services to continue to reduce paper consumption by moving to a paperless, collective and online environment for all meetings, as well as by further implementing e-signature modalities; reiterates its request that an analysis of alternatives to trunks be carried out, in line with the EMAS target for a 'paperless' Parliament as soon as possible;

15. Expects the Energy Efficiency First and the Circular Economy principles to be applied to all investments, including digital investments and management decisions; calls for full implementation of Parliament's waste management strategy in line with the waste hierarchy principles, particularly when it comes to the sustainable and circular approach to managing construction waste; calls for full implementation of measures to make Parliament single-use plastic free;

16. Recalls the support of the vast majority of Parliament's Members for a single seat to ensure that Union taxpayers' money is spent efficiently and for Parliament to assume its institutional responsibility to reduce its carbon footprint; recalls the need to find solutions to optimise parliamentary institutional work, financial costs and the carbon footprint; believes that the experience gained and investments made in remote working and meetings can serve as a basis for adapting staff mission needs; recalls that according to the Treaty on European Union, the European Parliament is to have its seat in Strasbourg; notes that permanent changes would require a Treaty change for which unanimity is needed;

17. Recalls that tender conditions should go beyond the best-price principle and also include environmental, social and gender criteria with detailed indicators; welcomes the expansion of the mandate of the Green Public Procurement Helpdesk to include social and gender elements and calls for an obligation to consult the Green Public Procurement Helpdesk for procurement above EUR 15 000; expects the Bureau to adopt a sustainability reporting system such as the Global Reporting Initiative and its extension to Embedding Gender in Sustainability Reporting by 2022;

Transparency and accountability

18. Regrets that the Bureau refuses to implement the will of the Plenary expressed on numerous occasions to reform the General Expenditure Allowance (GEA), thereby actively preventing Union taxpayers' money from being more transparent and accountable; demands the Bureau introduce changes to the rules governing the GEA by the end of 2021;

19. Regrets that the Bureau refuses to implement the will of the Plenary expressed on several occasions regarding the core reform steps for Parliament that were initially mentioned in its abovementioned resolution of 26 October 2017 on combating sexual harassment and abuse in the EU, among which was the introduction of compulsory anti-harassment training courses for all staff and Members; demands that the Bureau immediately implement in full the Plenary's decisions;

20. Regrets that the Bureau refuses to implement the will of the Plenary expressed on several occasions to grant a high level of protection to APAs reporting on breaches of Union law as per Directive (EU) 2019/1937 on whistleblower protection ([21]), similar to the level of protection granted to APAs who are victims of harassment; invites the Bureau to define clear and legally certain standards regarding in which cases whistle blower protection can be granted, including for APAs, and to publish those standards;

21. Regrets that the Bureau refuses to implement the will of the Plenary expressed on numerous occasions to take action for the full alignment of the allowances rates of officials, other civil servants and APAs in respect of duty travel between Parliament's three places of work; calls on the Bureau to address this issue without any further delay and to take the necessary measures to remedy that inequality as from the resumption of the plenary sessions in Strasbourg;

22. Calls again on the Conference of Presidents to revise the Implementing provisions governing the work of delegations and missions outside the European Union; underlines that such a revision should consider the possibility for APAs, subject to certain conditions, to accompany Members on official Parliament Delegations and Missions;

23. Regrets that the Bureau has delayed to implement the will of the Plenary expressed on several occasions to work on a technical solution to allow Members to exercise their right to vote while benefiting from maternity or paternity leave, during a long-term illness or in cases of force majeure and to clarify the legal, financial, and technical limits such a solution would entail; believes that any steps undertaken in this regard would have allowed to advance the set up of Parliament's remote working and voting scheme set up when the pandemic arose; expects that, since technical possibility has been now confirmed, the Bureau will take over the work on lifting the legal and financial limits that may remain;

24. Reminds that according to the Transparency Register's Annual Reports in past years, around half of all entries in the Register are incorrect; fears that the Register cannot fulfil its purpose of providing greater transparency on the activities of interest representatives if half of its entries provide incomplete or incorrect information; calls for the Parliament to take measures to increase the accuracy of the Register;

25. Reiterates its request that the Parliament drafts an annual detailed report on the interest representatives and other organisations that were given access to Parliament's premises, and to publish it in the respect of the data protection regulation;

26. Expects that in the future the Bureau will proactively inform Members on the implementation of relevant Plenary decisions;

([21]) 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 (OJ L 305, 26.11.2019, p. 17).

Gender

27. Calls for gender budgeting analysis to underpin the future preliminary draft estimates in line with Union's commitment to Gender Budgeting; calls for a specific gender accounting system with expenditures for Members, staff and experts in a gender-disaggregated form;

28. Calls for the adoption of gender procurement evaluation and monitoring criteria, based on the promotion of equal opportunities present in all Parliament's tender specifications;

Digital infrastructure

29. Supports the investment in digital infrastructure, including cybersecurity; underlines the need for ICT to integrate secure software solutions, i.e. open source software solutions, ensuring full control of the software and over data management by Parliament as well as freedom in the development of applications and technology procurement that specifically avoids dependence or technological lock-in to large tech platforms, in particular as regards cloud providers;

30. Stresses that Parliament must integrate the environmental issue into the digital agenda; stresses that digital innovation must positively contribute to the ecological transition; calls for the achievement of a reduction of the environmental footprint of digital technology (green IT) in particular through the adaptation of internal policies; calls on Parliament to integrate the eco-design of digital services in its management of ICT and to choose options that respect the circular economy and promote resource efficiency;

31. Recalls the inherent risks for information security and privacy of using third-party-dependent solutions for sharing sensitive data and the positive impact of open source software for digital autonomy and its benefits in terms of security; insists that users should be enabled to use open source software on Parliament's devices, and stresses the need for decentralised, open source solutions for virtual meetings and instant messaging; highlights the need to properly train users with a special focus on cybersecurity; stresses the need for automatic language transcription and translation software to support the equal diffusion of information in all official languages;

32. Strongly encourages that measures be taken to ensure that Parliament's procurement of software and digital infrastructure, including cloud solutions, avoids vendor lock-in effects through portability and full interoperability requirements, uses open source software and earmarks procurement to be aimed at SMEs and startups;

33. Stresses that software data and tools generated by the public sector and/or publicly funded software data and tools should be reusable, openly accessible and compliant with fundamental rights and if they are intended for critical use they must have a security certification or a security audit; considers that, in addition, AI used by the Parliament should be released as open source, under the public procurement procedure, with accessible software documentation and algorithms to allow for review of how the AI system arrived at a certain conclusion; emphasises that a fundamental rights audit should be part of any prior conformity assessment;

34. Notes that remote voting systems have been put into place to safeguard continuity of Parliament's work during the pandemic; asks for these voting systems to be unified;

35. Calls for faster and more secure wireless networks in all three places of work;

Engaging with citizens

36. Underlines that Parliament is the only Union institution subject to universal suffrage; considers it important to provide citizens with a better understanding of Parliament's activities as well as to raise political awareness and promoting Union values; calls for increased digital means to directly engage with citizens;

37. Supports the establishment of Europa Experiences by 2024 in all Member States; takes note of the confirmation that delays caused by the COVID-19 pandemic will not compromise critical milestones; supports the administration in its policy aimed at maximizing synergies; expects the long term budget impact of Europe Experiences in terms of running costs to be presented to the Committee on Budgets before the adoption of the 2022 budget; recalls that Europa Experiences should allow all citizens to have a better understanding of the functioning of European institutions;

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38. Considers that European Parliament Liaison Offices (EPLOs) should grow their network and engage more with citizens; invites the Parliament to develop meetings and events such as the European Youth Event (EYE) between Members and young people at local level through its EPLOs;

39. Recognises the importance of visitors groups; notes that no visitor group has been able to visit Parliament premises during the COVID-19 pandemic; recalls that, in line with the Bureau decision of 5 October 2020, 40 % of the 2020 unused quota has been reallocated to 2022; welcomes the fact that Parliament invests considerable efforts in the services it offers to visitors, especially for young people who remain a key target group; calls for there to be no additional increase in the allowances for visitors for the remainder of the mandate beyond what is operationally feasible;

40. Recognises that about 50 million people belong to various linguistic minorities, regions and communities in the Union; recalls that Parliament encourages citizens' involvement and participation, including the national, regional and linguistic minorities, in the Union; recalls that Parliament strongly supports multilingualism and promotes the rights of the national, regional and linguistic minorities; considers that Parliament can actively contribute to the fight against disinformation by providing information also in the languages of linguistic minorities, regions and communities where appropriate; requests the Bureau to analyse the feasibility and estimate the financial cost of providing communication materials, for example for the Europa Experience Centres and the Conference on the future of Europe in the languages of linguistic minorities, regions and communities within the different Member States;

41. Calls on the Bureau to draw up a translation of key foreign policy resolutions adopted under Rule 54 (own-initiative reports) into the non-Union official languages of the United Nations (namely Arabic, Chinese and Russian), as well as country-specific resolutions adopted under Rules 132 (resolution accompanying Commission/VPHR statements) and 144 (urgency resolution) into the official language of the country concerned, with a view to enhancing the impact and outreach of the Parliament's foreign affairs activities, and calls on the budgetary authority to ensure that sufficient appropriations are made available for that purpose.

42. Calls on the Secretary-General to analyse the feasibility of the introduction of international sign language interpretation for all plenary debates, in line with the requests adopted by the Plenary, and to implement this decision in respect of the principle of equal access for all citizens;

43. Considers paramount that each Union institution involved in the setting up and management of the forthcoming Conference on the Future of Europe, including Parliament, should be adequately equipped with administrative budgets to make of it a success already from the communication of its Estimates of revenues and expenditures;

44. Calls to introduce the opportunity for the citizens and residents of Member States and partner countries to make virtual guided tours in the Parliament in order to achieve better understanding of the work and values of the institution among broader public;

45. Calls for a dedicated visitors service for seniors highlighting Union programmes and policies that benefit active ageing;

Building projects

46. Expects more transparent and detailed planning and decision making, including the provision of early information, having due regard to Article 266 of the Financial Regulation, in relation to Parliament's building policy; calls for a debate on the functioning of Parliament and a review of the space needs of Parliament in light of the effects of the pandemic and the expected increase in teleworking and, if appropriate, for the adaptation of its long term building strategy; stresses that careful planning should allow for substantial savings;

47. Asks the Bureau to make known its decision on the Paul-Henri Spaak building including a detailed breakdown of costs and the supporting documents; takes note of the unavailability of the Spaak building during renovation works and calls for the optimisation of the already available space in line with Parliament's needs; recalls, in this context, the commitment of Parliament to undertake the necessary adaptation and renovation of its buildings in order to create an environment accessible for all users in line with Union standards; recommends that diversity and inclusion criteria be duly considered in the planning and restructuring of Parliament's buildings;

48. Welcomes the decision of the Bureau to adopt building passports for the life-cycle management of the building portfolio of Parliament; expects the use of the new tool to contribute to effectively implementing the pathway to achieve climate neutral or passive buildings as soon as possible and by 2050 at the latest; also expects the passport to include on improving indoor air quality and healthy buildings;

49. Notes that the budget proposed by the Secretary-General for 2022 envisages EUR 4,358 million for construction at the entrance of the WEISS building, further notes that EUR 8 million was already envisaged in the 2021 budget for such construction; requests updated information on the overall costs of this project;

Other issues

50. Reiterates its request to the Bureau to establish full flexibility of presence for Members during the Green Weeks to facilitate their working arrangements;

51. Recalls Article 27(1) and (2) of the Statute for Members of the European Parliament [22] which states that 'the voluntary pension fund set up by Parliament shall be maintained after the entry into force of this Statute for Members or former Members who have already acquired rights or future entitlements in that fund' and that 'acquired rights and future entitlements shall be maintained in full'; calls upon the Secretary-General and the Bureau to fully respect the Statute for Members and to establish with the pension fund a clear plan for Parliament assuming and taking over its obligations and responsibilities for its Members' voluntary pension scheme;

52. Notes that service providers were hit hard by the pandemic; welcomes the Parliament's efforts, such as the provision of solidarity meals, to help reduce the impact on subcontractors and their employees; highlights the fact that subcontracting cleaning and catering services puts people, mainly women, in an extremely vulnerable position; is highly concerned about the massive numbers of dismissals of employees within the COMPASS Group catering company; invites the relevant Parliament authorities in collaboration with subcontractors to investigate all possible alternative solutions to safeguard employment within the framework of social dialogue and to procure additional services justifiable as regards the use of Parliament's budget; calls on Parliament to take all necessary precautions to ensure that the highest standards of labour law for the cleaning staff, which mainly comprises women, and catering staff are being upheld by external contractors, in particular as regards psychological pressure and working conditions; invites the Bureau to reconsider Parliament's externalisation policy;

53. Calls upon the Secretary-General and the Bureau to instil a culture of performance-based budgeting across Parliament's administration, and a lean management approach in order to enhance efficiency and environmental sustainability, reduce paperwork and diminish bureaucracy in the institution's internal work; stresses that the experience of lean management is the continuous improvement of the work procedure thanks to simplification and to the experience of the administrative staff;

54. Highlights the need to revisit Parliaments HR policy in order to allow the institution to make use of expertise acquired by all Parliament staff; believes that it is therefore necessary to change the rules to enable all categories of staff, including Accredited Parliamentary Assistants, to participate in internal competitions and to establish HR development schemes that will allow Parliament to keep the expertise of these categories at the service of the Institution;

55. Invites the Secretary-General to assess the risks related to employing growing numbers of contract agents, including the danger of creating a two-tier staffing structure within Parliament; insists that core permanent positions and tasks should be performed by permanent staff;

56. Calls for more flexibility and less bureaucracy in MEPs office management and contracts taking into consideration the repeated errors of the online platforms and difficulty in operating remotely during the COVID-19 pandemic; requests the Parliament's Secretariat and financial services to establish a special set of flexible rules;

57. Notes that the Parliament welcomes approximately 250 trainees to Brussels per semester; considers that all trainees in Parliament should be offered the same reduction for transport as the other staff members; considers that these measures would not add a significant burden on Parliament's budget and would result in a significant alleviation of expenses for trainees in Brussels;

58. Recalls that adequate resources need to be dedicated for the financing of cultural and artistic activities within and outside Parliament's premises, so as to underline its support to the cultural and creative sector;

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[22] Decision of the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament (2005/684/EC, Euratom) (OJ L 262, 7.10.2005, p. 1).

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59. Recalls the political commitment of Parliament as regards its external liaison offices and urges the European External Action Service to ensure the necessary conditions, such as joint management of building where it is needed, and ensuring the diplomatic status accreditation of Parliament's staff to the authorities of the hosting States;

60. Calls for a timely and transparent annual reports of the Authority on Political Parties and Foundations;

61. Considers that the COVID-19 pandemic has negative impacts on the Parliament's liveliness; underlines the importance to ensure a dynamic and animated Parliament once the COVID-19 crisis is over; asks therefore the Bureau to undertake an analysis destined to find out new practices that could make the Parliament more lively, followed by recommendations that could be implemented through a revision of the Rules of Procedure, if necessary;

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62. Adopts the estimates for the financial year 2022;

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

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